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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING
AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
PERMITTING AND ENFORCEMENT)
 COMMITTEE MEETING)

DATE AND TIME: TUESDAY,
APRIL 15, 1997
9:30 A.M.

PLACE: BOARD
HEARING ROOM 8800 CAL
CENTER
DRIVE
SACRAMENTO,
CALIFORNIA

REPORTER: BETH C.
DRAIN, RPR, CSR
CERTIFICATE
NO. 7152

BRS FILE NO.: 38900

APPEARANCES

MR. ROBERT C. FRAZEE, CHAIRMAN
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER MS. KATHRYN
TOBIAS, LEGAL COUNSEL

MS. LORI LOPEZ, COMMITTEE SECRETARY

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OPEN DISCUSSION NONE

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1 SACRAMENTO, CALIFORNIA; TUESDAY, APRIL 15, 1997

2 9:30 A.M.

3

4 CHAIRMAN FRAZEE: MEETING WILL COME TO
5 ORDER, PLEASE. THIS IS THE APRIL 15TH MEETING OF
6 THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE
7 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.
8 SECRETARY WILL CALL THE ROLL, PLEASE.

9 THE SECRETARY: BOARD MEMBER JONES.

10 MEMBER JONES: HERE.

11 THE SECRETARY: BOARD MEMBER RELIS.

12 MEMBER RELIS: HERE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: HERE. ALL MEMBERS ARE
15 PRESENT.

16 DO WE HAVE ANY EX PARTE
17 COMMUNICATIONS THIS MORNING?

18 MEMBER JONES: JUST A QUICK ONE WITH
MARK

19 LEARY. SAID HELLO AND THAT WAS IT.

20 MEMBER RELIS: NONE.

21 CHAIRMAN FRAZEE: AND NONE FOR ME.

22 THE AGENDA TODAY, ITEMS 3 AND 5
HAVE

23 BEEN PULLED FROM CONSIDERATION.

24 A REMINDER AGAIN TO ANYONE WHO

25 WISHES TO SPEAK TO THE COMMITTEE ON ANY SUBJECT,

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1 IF YOU WOULD FILL OUT A SPEAKER SLIP THAT'S
2 LOCATED ON THE REAR TABLE AND BRING IT FORWARD TO
3 THE COMMITTEE SECRETARY, WE'LL SEE THAT YOU GET
4 HEARD AT THE APPROPRIATE TIME.

5 LET'S MOVE NOW TO THE REPORT FROM
6 THE DEPUTY DIRECTOR, DOROTHY RICE.

7 MS. RICE: THANK YOU, MR. CHAIRMAN AND
8 COMMITTEE MEMBERS. A BRIEF REPORT THIS MORNING
9 COVERING TWO ITEMS. FIRST OF ALL, THE FIRST
10 QUARTERLY REPORT ON DELEGATED APPROVALS OR MATTERS
11 APPROVED WITHIN THE DIVISION PURSUANT TO
12 DELEGATION FROM THE BOARD AND, SECONDLY, A VERY
13 BRIEF REPORT ON THE OSTROM ROAD PERMIT, WHICH
14 APPEARS ON TODAY'S CONSENT CALENDAR.

15 NO. 1, REGARDING DELEGATED
16 APPROVALS, AS I MENTIONED, THIS IS THE FIRST FULL
17 QUARTERLY REPORT OF ITEMS APPROVED BY THE DIVISION
18 UNDER AUTHORITY DELEGATED BY THE BOARD TO RALPH
19 AND THEN SUBSEQUENTLY TO MYSELF. THE QUARTER
20 COVERS JANUARY THROUGH MARCH OF '97; AND,
THUS,

21 THE NEXT QUARTERLY REPORT WILL BE IN JULY FOR
THE
22 SECOND QUARTER OF 1997.

23 THIS IS A NEW REPORT BEING
PROVIDED

24 IN RESPONSE TO A REQUEST FROM THE COMMITTEE.
25 PLEASE LET ME KNOW FOLLOWING THE REPORT OR AT
ANY

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1 TIME SUBSEQUENT HOW I CAN MAKE FUTURE REPORTS
2 BETTER IN TERMS OF MEETING YOUR NEEDS FOR THIS
3 KIND OF INFORMATION ABOUT DELEGATED APPROVALS
4 WITHIN THE DIVISION.

5 DURING THE QUARTER WE HAD EIGHT
6 MODIFIED PERMITS. I THINK THIS IS THE SAME
7 INFORMATION I PROVIDED LAST MONTH. THERE WERE NO
8 ADDITIONAL ONES. FIVE IN LOS ANGELES COUNTY FOR
9 SMALL TRANSFER-TYPE OPERATIONS, ONE FOR A
10 COCOMPOSTING FACILITY IN SAN BERNARDINO COUNTY,
11 AND ONE EACH FOR TRANSFER STATIONS IN LASSEN AND
12 MARIN COUNTY. SO THOSE WERE THE MODIFIED PERMITS
13 ACTED ON WITHIN THE DIVISION DURING THE QUARTER.

14 IN ADDITION, FIVE EXCLUSIONS FROM
15 TIRE PERMIT REQUIREMENTS WERE APPROVED BY STAFF
16 WITHIN THE DIVISION, AS WELL AS 122 TIRE HAULER
17 REGISTRATIONS.

18 IN THE FINANCIAL ASSURANCES AREA,
19 ONE CLOSURE MECHANISM WAS APPROVED AS EMBODIED IN
20 A STIPULATED AGREEMENT ENTERED INTO BETWEEN THE
21 BOARD AND MARIPOSA COUNTY. IN ADDITION, TWO
22 CLOSURE FUND DISBURSEMENTS WERE APPROVED.

23 AS RALPH REPORTED TO YOU AT LAST
24 MONTH'S BOARD MEETING ON EMERGENCY AND DAILY

COVER

25 WAIVERS THAT HAVE BEEN DELEGATED TO THE

DIRECTOR,

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1 I WON'T REPEAT THAT INFORMATION HERE.

2 THERE WERE NO MATTERS APPROVED
3 DURING THE QUARTER BY STAFF FOR THOSE
4 JURISDICTIONS WHERE THE BOARD IS THE ENFORCEMENT
5 AGENCY, SO NO APPROVALS WHATSOEVER.

6 IN THE AREA OF CLOSURE PLANS AND
7 RELATED ACTIVITIES, THERE WERE FIVE PRELIMINARY
8 CLOSURE PLANS APPROVED, FIVE FINAL CLOSURE PLANS,
9 APPROVAL OF ONE CLOSURE TIME LINE EXTENSION, AND
10 WITHIN THAT SAME BRANCH TWO ADC DEMONSTRATIONS
11 WERE APPROVED.

12 ALSO OF INTEREST PERHAPS DURING THE
13 QUARTER WAS THE SIGNING OF THE INTERAGENCY
14 AGREEMENT WITH DEPARTMENT OF TOXIC SUBSTANCES
15 CONTROL FOR FISCAL YEAR '96-'97 FOR OUR WORK, THE
16 BOARD'S WORK, AT FEDERAL DEPARTMENT OF DEFENSE
17 SITES WHERE WE ASSIST WITH CLEANUP ACTIVITIES. I
18 WILL ALSO SUBMIT THIS INFORMATION TO ALL BOARD
19 MEMBER OFFICES IN WRITING WITH A LITTLE MORE
20 DETAIL ON THE NAMES OF FACILITIES AND THAT SORT OF
21 INFORMATION AND WILL LOOK FORWARD TO ANY FEEDBACK
22 FROM YOU OR YOUR STAFF ON HOW WE CAN IMPROVE THE
23 NEXT QUARTERLY REPORT TO YOU.

24 ANY QUESTIONS ON THAT BEFORE I
25 PROCEED?

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1 CHAIRMAN FRAZEE: QUESTIONS?

2 MS. RICE: GREAT. GOOD.

3 REGARDING THE OSTROM ROAD LANDFILL,
4 IT WAS REQUESTED THAT I SAY A FEW WORDS ABOUT THIS
5 PERMIT THAT IS ON TODAY'S PROPOSED CONSENT
6 CALENDAR FOR THE COMMITTEE, THE OSTROM LANDFILL
7 REVISED SOLID WASTE FACILITIES PERMIT. AS THE
8 AGENDA ITEM IN YOUR BINDERS INDICATES, AND YOU
9 WILL, I'M SURE RECALL, THIS PERMIT REVISION WAS
10 WITHDRAWN BY THE APPLICANT AT YOUR JANUARY BOARD
11 MEETING FOLLOWING CONSIDERABLE DISCUSSION OF THE
12 APPROPRIATENESS OF THREE PERMIT CONDITIONS THAT
13 WERE PLACED IN THE PERMIT BY THE LEA.

14 IN THE INTERVENING MONTHS, THE LEA
15 AND THE OPERATOR HAVE WORKED DILIGENTLY TO
RESOLVE

16 THE ISSUES RAISED IN JANUARY. AND RESULT OF
THOSE

17 EFFORTS -- AS A RESULT OF THOSE EFFORTS, A
STUDY

18 WAS SUBMITTED BY THE OPERATOR TO THE LEA WHICH
19 RECOMMENDS THAT THE PERIMETER ROAD ADJACENT TO
20 BEST SLUE BE RAISED FROM 1 TO 3 FEET IN PLACES
TO

21 PROVIDE 2 FEET OF FREEBOARD ABOVE THE JANUARY

1997

22 FLOOD ELEVATION. THIS STUDY, AS NOTED IN YOUR
23 ITEM AND IN THE PERMIT BEFORE YOU, IS NOW A
24 CONDITIONING DOCUMENT OF THE PROPOSED PERMIT,
AS
25 AGAIN REFLECTED IN YOUR AGENDA ITEM.

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1 THE OTHER TWO PERMIT CONDITIONS
2 WHICH WERE DISCUSSED IN JANUARY HAVE ALSO BEEN
3 RESOLVED TO THE SATISFACTION OF THE LEA, THE
4 OPERATOR, AND BOARD STAFF. AND THUS, WITH ALL
OF
5 THOSE ISSUES RESOLVED AND THE PERMIT IN GOOD
6 CONDITION, IT WAS PLACED ON YOUR PROPOSED
CONSENT

7 AGENDA FOR YOUR CONSIDERATION TODAY. AND WITH
8 THOSE TWO ITEMS, THAT IS MY REPORT FOR THIS
9 MORNING.

10 CHAIRMAN FRAZEE: QUESTIONS? IF NOT,
11 THANK YOU.

12 NOW WE HAVE FOR CONSIDERATION THE
13 TWO CONSENT CALENDAR ITEMS. ONE, THE
14 AFOREMENTIONED OSTROM ROAD SANITARY LANDFILL IN
15 YUBA COUNTY AND THEN A REVISED SOLID WASTE
16 FACILITY PERMIT FOR THE RIDGECREST SANITARY
17 LANDFILL IN KERN COUNTY.

18 MEMBER JONES: I'D LIKE TO MAKE A
MOTION

19 THAT WE ACCEPT THE CONSENT CALENDAR.

20 MEMBER RELIS: SECOND.

21 CHAIRMAN FRAZEE: THERE'S A MOTION AND
22 SECOND ON THE CONSENT CALENDAR. IF THE
SECRETARY

23 WILL CALL THE ROLL, PLEASE.

24 THE SECRETARY: BOARD MEMBER RELIS.

25 MEMBER RELIS: AYE.

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1 THE SECRETARY: BOARD MEMBER JONES.

2 MEMBER JONES: AYE.

3 THE SECRETARY: CHAIRMAN FRAZEE.

4 CHAIRMAN PENNINGTON: AYE. MOTION IS
5 CARRIED.

6 NOW WE'RE READY TO MOVE TO ITEM 4,
7 THE CONSIDERATION OF A STAFF RECOMMENDATION FOR
8 REVISIONS TO THE PROPOSED REGULATIONS FOR
9 NONHAZARDOUS ASH OPERATIONS FACILITIES AND
10 APPROVAL TO NOTICE A 15-DAY COMMENT PERIOD FOR
11 THOSE REVISIONS.

12 MS. RICE: THANK YOU, MR. CHAIRMAN.
13 ALLISON REYNOLDS AND ELLIOT BLOCK WILL MAKE THE
14 PRESENTATION FOR BOARD STAFF.

15 MS. REYNOLDS: GOOD MORNING, CHAIRMAN AND
16 COMMITTEE MEMBERS. THE PURPOSE OF THIS ITEM IS TO
17 BRING FORWARD FOR CONSIDERATION BY THE COMMITTEE
18 REVISED REGULATIONS FOR NONHAZARDOUS ASH
19 OPERATIONS AND FACILITIES FOR A 15-DAY NOTICE.
20 THE REGULATIONS ESTABLISH WHAT THE REQUIREMENTS
21 ARE FOR AN OWNER OR OPERATOR TO BE PERMITTED UNDER
22 THE STANDARDIZED TIERS OR TO QUALIFY UNDER THE
23 ENFORCEMENT AGENCY NOTIFICATION AND EXCLUDED
24 TIERS.

25 THE REGULATIONS BEFORE YOU ARE THE

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1 RESULT OF INTERACTIONS WITH THE PUBLIC, DEPARTMENT
2 OF FOOD AND AGRICULTURE, INDUSTRY REPRESENTATIVES,
3 AND LOCAL ENFORCEMENT AGENCIES.

4 THE FOLLOWING ARE THE FOUR REGULATED
5 OPERATIONS AND FACILITIES: TRANSFER STATIONS,
6 TREATMENT SITES, STORAGE SITES, AND MONOFILL
7 FACILITIES. THE DEPARTMENT OF FOOD AND
8 AGRICULTURE HAS ASSERTED THEIR ROLE TO DEFINE WHAT
9 CONSTITUTES A BENEFICIAL AGRICULTURAL USE, AND MR.
10 JOHN DYER FROM THE AGENCY IS PRESENT TODAY TO
11 ANSWER YOUR QUESTIONS.

12 BASED ON INTERACTIONS WITH CDFA, THE
13 DEFINITIONS FOR AGRICULTURAL PROFESSIONAL,
14 AGRONOMIC RATE, AND OTHER ASSOCIATED DEFINITIONS
15 AND OPERATING STANDARDS HAVE BEEN DELETED FROM THE
16 PREVIOUS VERSION OF THE REGULATIONS.

17 LAND APPLICATION OPERATIONS AND
18 RECLAMATION PROJECTS, ALONG WITH MANUFACTURING
19 ACTIVITIES, HAVE BEEN WRITTEN IN THE REGULATIONS
20 AS BEING OUTSIDE OF THE PERMIT TIER STRUCTURE.
21 MR. ELLIOT BLOCK WILL BE EXPLAINING WHAT THIS
22 MEANS IN HIS PRESENTATION.

23 BLENDING IN A SOIL PRODUCT HAS BEEN
24 ADDED TO THE DEFINITION SECTION PURSUANT TO
25 COMMENTS MADE DURING THE 45-DAY COMMENT PERIOD,

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1 AND LANGUAGE HAS BEEN ADDED REQUIRING A BURDEN OF
2 PROOF FOR ASH HANDLERS, AND THE DEFINITION OF LAND
3 APPLICATION HAS BEEN EXPANDED TO INCLUDE
4 APPLICATION TO FOREST, AGRICULTURAL AND RANGE LAND
5 IN ACCORDANCE WITH FOOD AND AGRICULTURE
6 REQUIREMENTS.

7 IN ADDITION TO THESE CHANGES, DUST
8 HAZARDS UNDER OPERATING STANDARDS FOR MONOFILLS
9 HAVE BEEN AMENDED TO INCORPORATE AB 1220 LANGUAGE.
10 THE STANDARDIZED PERMIT FORM HAS BEEN MODIFIED TO
11 MATCH LANGUAGE THAT WAS ARRIVED AT DURING THE
12 TRANSFER STATION REGULATION PROCESS, AND SECTION
13 18226 FOR REPORT OF NONHAZARDOUS ASH DISPOSAL SITE
14 INFORMATION HAS BEEN STREAMLINED TO REFERENCE
15 APPLICABLE STANDARDS UNDER AB 1220.

16 THERE HAS BEEN AN ADDITIONAL
17 REFERENCE SECTION UNDER 17376(B)(3) THAT I'D LIKE
18 TO ADD TO THE REGULATIONS BEFORE THE 15-DAY
19 COMMENT PERIOD.

20 STAFF RECOMMEND THAT THE COMMITTEE
21 CHOOSE OPTION 1 TO APPROVE FORMAL NOTICE OF THE
22 PROPOSED REGULATIONS WITH THE OFFICE OF
23 ADMINISTRATIVE LAW FOR A 15-DAY COMMENT AND REVIEW
24 PERIOD.

25 THIS CONCLUDES MY PRESENTATION.

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1 CHAIRMAN FRAZEE: THANK YOU. QUESTIONS?

2 MR. BLOCK: LET ME GO AHEAD AND JUST MAKE
3 AGAIN A SHORT PRESENTATION TO ADD TO MS. REYNOLDS'
4 PRESENTATION.

5 SPECIFICALLY, JUST WANTED TO ADDRESS
6 THE ISSUE OF THE WHERE LAND APPLICATION AND
7 RECLAMATION ARE IN THE REGULATIONS. AND I HAVE TO
8 APOLOGIZE -- START OFF BY APOLOGIZING THAT AT THE
9 TIME WE WROTE THE AGENDA ITEM, I HAD NOT ACTUALLY
10 CAUGHT THE FACT THAT WE REALLY NEEDED TO BE
11 PLACING THESE ACTIVITIES OUTSIDE OF THE TIERS.
12 THE AGENDA ITEM ITSELF TALKS ABOUT THEM BEING IN
13 THE EXCLUDED TIER.

14 AND IN SITTING DOWN AND LOOKING AT
15 THE REGULATIONS AND FINE-TUNING THEM LAST WEEK, WE
16 REALIZED THAT, TO BE CONSISTENT WITH WHAT THE
17 BOARD HAS BEEN DOING OVER THE LAST COUPLE OF
18 YEARS, IN PARTICULAR DISCUSSION LAST YEAR OVER
19 RECYCLING AND THE ISSUE OF OUTSIDE THE TIERS
20 VERSUS IN THE EXCLUDED TIER, SINCE THE LAND
21 APPLICATION AND RECLAMATION ARE NOT BEING
22 REGULATED IN THESE REGULATIONS FOR JURISDICTIONAL
23 REASONS PRIMARILY, AS OPPOSED TO BEING WITHIN OUR
24 JURISDICTION, BUT NOT APPLYING ANY STANDARDS, THAT
25 THE APPROPRIATE PLACE TO PUT THEM IN THE

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1 REGULATIONS WOULD BE OUTSIDE OF THE TIERS. AND SO
2 WHERE THEY APPEAR IN THE REGULATIONS BEFORE YOU
3 ARE IN DEFINITIONAL SECTIONS WHERE WE HAVE
4 BASICALLY DEFINED THEM AS NOT BEING EITHER A TYPE
5 OF DISPOSAL AND/OR OTHERWISE SUBJECT TO THESE
6 REGULATIONS.

7 THAT WAS PRIMARILY WHAT I WANTED TO
8 ADD TO THE PRESENTATION.

9 AGAIN, AS ALLISON HAD MENTIONED,
10 JOHN DYER, WHO'S AN ATTORNEY FOR DEPARTMENT OF
11 FOOD AND AGRICULTURE, IS HERE TO ANSWER SOME
12 QUESTIONS IF YOU DO HAVE THEM, ALTHOUGH, AGAIN,
13 PRIMARILY IN TERMS OF THESE REGULATIONS, ONCE
14 WE'VE MADE THE DETERMINATION THAT THESE ACTIVITIES
15 ARE OUTSIDE OF OUR REGULATIONS, THERE'S NOT A LOT
16 MORE TO GO INTO THEM AS WELL. I THINK THERE ARE
17 SOME QUESTIONS THAT YOU MIGHT HAVE OF MR. DYER,
18 BUT THEY REALLY RELATE TO WHAT CDFA, WHAT THEY
19 THINK THEY MIGHT BE DOING IN THE FUTURE. THEY
20 SHOULDN'T IMPACT WHAT THE REGULATIONS BEFORE YOU
21 SAY AND WHAT WE'D LIKE TO SEND OUT FOR 15-DAY
22 NOTICE.

23 CHAIRMAN FRAZEE: MR. DYER.

24 MR. DIER: JOHN DYER WITH DEPARTMENT OF
25 FOOD AND AGRICULTURE. I'D BE GLAD TO ANSWER ANY

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1 QUESTION.

2 CHAIRMAN FRAZEE: I THINK, AS MR. BLOCK
3 LAID OUT FOR US, ANYTHING THAT YOU DO IS BEYOND
4 OUR SCOPE OF REGULATORY AUTHORITY. AND SO ANY
5 QUESTIONS THAT WE ASK WOULD BE STRICTLY FOR
6 INFORMATIONAL PURPOSES AND NOT TO DETERMINE
7 WHETHER OR NOT OUR REGULATION IS APPROPRIATE.

8 DO YOU HAVE ANY QUESTIONS?

9 MEMBER RELIS: NOT AT THIS TIME.

10 CHAIRMAN FRAZEE: YOU WERE SATISFIED ON
11 THE FOREST APPLICATION?

12 MEMBER JONES: YES.

13 CHAIRMAN FRAZEE: I GUESS WE DON'T HAVE
14 ANYTHING, SO THANK YOU. IS THERE ANYONE TO BE
15 HEARD ON THIS?

16 MEMBER RELIS: MR. CHAIR.

17 CHAIRMAN FRAZEE: CHUCK. GO AHEAD, MR.
18 WHITE.

19 MR. WHITE: CHUCK WHITE WITH WASTE
20 MANAGEMENT, RIGHT. I'LL BE REAL BRIEF. IT'S BEEN
21 KIND OF A LONG AND ARDUOUS PROCESS. WE BELIEVE
22 THE STAFF HAVE DONE AN EXCELLENT JOB TAKING US
23 THROUGH THIS TORTUROUS PATH AND ENDING UP TO WHERE
24 WE ARE NOW. BRIEFLY STATED, WE SUPPORT THE MOVING
25 OF THESE REGULATIONS TO A 15-DAY NOTICE, AND WE

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1 ENCOURAGE YOU TO DO SO. THANK YOU.

2 MEMBER RELIS: MR. CHAIR, I WOULD JUST
3 LIKE TO COMMENT AND ASK STAFF TO AMPLIFY MY
4 UNDERSTANDING OF HOW THINGS WILL WORK UNDER THIS
5 PROPOSED EXCLUSION. WE CURRENTLY -- I HAVE BEFORE
6 ME A WRITEUP FROM KERN COUNTY, THE LEA THERE. I
7 RECEIVED A COPY OF THIS. AND THIS WAS A NOTICE
8 AND ORDER ISSUED BY KERN COUNTY AGAINST AN
9 APPLICATION OF FLY ASH IN THAT AREA WHERE IT COULD
10 COME TO THE ATTENTION OF THE LEA THAT FLY ASH WAS
11 BEING PUT DOWN IN A WASTE -- IN A MANNER THAT THEY
12 DEFINE AS WASTE DISPOSAL, AND THEN APPROPRIATE
13 ACTION IS BEING TAKEN THROUGH THE NOTICE AND ORDER
14 TO REMEDY THAT.

15 BY ADOPTING THE REGULATIONS TODAY,
16 THAT WHOLE APPARATUS WILL REMAIN IN FORCE. FOOD
17 AND AG WILL DEAL WITH -- LEGITIMATELY WITH THEIR
18 AREA, WHICH IS MAKING SURE THAT THE AGRICULTURAL
19 LANDS AND THE OTHER FORESTS IN THE WAY IT'S
20 DEFINED APPLICATIONS WILL BE PROPERLY DEALT WITH
21 BY FOOD AND AG. BUT IN THE CASE OF A WASTE, WHAT
22 APPEARS TO BE A WASTE DISPOSAL APPLICATION, WE
23 WILL RETAIN OUR AUTHORITY AND WORK WITH THE LOCAL
24 LEA'S AS THIS NOTICE AND ORDER SUGGESTS. WE HAVE
25 GIVEN THE LEA'S THE APPROPRIATE AUTHORITY THEY

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1 NEED TO ACT ON DISPOSAL.

2 MR. BLOCK: I HAVE NOT PERSONALLY SEEN
3 THE NOTICE AND ORDER THAT YOU'RE REFERRING TO, BUT
4 THESE REGULATIONS CERTAINLY CONTAIN PROVISIONS TO
5 DEAL WITH DISPOSAL SITES, AND THE LEA'S WILL BE
6 ABLE TO DEAL WITH THOSE ISSUES. I DON'T KNOW IF
7 THAT ANSWERS YOUR QUESTION. I CAN'T ANSWER
8 SPECIFICALLY TO THAT NOTICE AND ORDER.

9 MS. RICE: I ALSO HAVE NOT SEEN THE
10 NOTICE AND ORDER. BUT ONE AREA OF AMBIGUITY, AND
11 WHICH REALLY MAY BE A QUESTION FOR CDFA RATHER
12 THAN OURSELVES, AS I UNDERSTAND HOW WE'RE DRAWING
13 THE DISTINCTION BETWEEN OUR JURISDICTION AND
14 THEIRS, IF A PRODUCT IS REGISTERED FOR USE ON
15 AGRICULTURAL LANDS, THEN OUR REGULATIONS WOULD NOT
16 HAVE APPLICATION WOULD BE MY UNDERSTANDING.

17 AND SO HOW AN ISSUE WOULD BE DEALT
18 WITH WHERE YOU HAVE A MATERIAL THAT HAS BEEN
19 APPROVED FOR USE BY CDFA, BUT AN LEA OR ANY OTHER
20 AGENCY HAS CONCERNS ABOUT HOW IT'S BEING USED,
21 THAT -- I DON'T THINK WE'RE REAL CLEAR ON HOW THAT
22 WOULD BE ADDRESSED BY CDFA. AND I DON'T THINK
23 IT'S A MATTER THAT'S WITHIN THESE REGULATIONS.

24 MR. BLOCK: I SHOULD ADD, ONE OF THE
25 THINGS THAT WE HAVE BEEN TALKING TO CDFA ABOUT
IS

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1 HAVING SOME FURTHER DISCUSSIONS TO PROVIDE SOME
2 GUIDANCE FOR LEA'S ON HOW EXACTLY THIS WOULD
PLAY

3 OUT IN A PRACTICAL SENSE IN TERMS OF REFERRALS
AND

4 WHERE WE COME UP WITH SOME OF THESE AMBIGUOUS
5 AREAS.

6 MEMBER RELIS: I'M GLAD YOU RAISED THAT
7 POINT, MS. RICE, BECAUSE I THINK THAT -- WHERE
8 WE'RE GOING WITH THIS I THINK IS EXACTLY THE
RIGHT

9 WAY. WE'RE OUT OF THE AGRICULTURAL ROLE, WHICH
10 WAS INAPPROPRIATE FOR US. BUT THERE'S ALWAYS
THAT

11 CONCERN OF SOMETHING FALLING THROUGH THE CRACKS.

12 AND SO I ONLY RAISE THIS IN THE CONTEXT OF
UNDER-

13 STANDING HOW ISSUES LIKE THE ONE YOU RAISED
WOULD

14 BE DEALT WITH.

15 THE REFERENCE I MADE TO THE NOTICE
16 AND ORDER WAS ONE CAME TO MY ATTENTION THIS
17 MORNING WHERE IT LOOKED LIKE THE LEA IS FULLY ON
18 TOP OF THE SITUATION, THEY KNOW WHAT THEIR
CHARGE

19 IS, AND THEY HAVE IT PROPERLY CITED, AND HAVE
20 SPECIFIED THE ACTIONS THAT ARE REQUIRED TO FIX
THE
21 PROBLEM THERE.
22 BUT IN YOUR CASE, WELL, WHAT IF
23 THERE WAS A DISPOSAL-TYPE CHARACTERISTIC? I
DON'T
24 HAVE AN ANSWER TO THAT. I'M JUST SIMPLY
25 INTERESTED. AND IF THE CDFA PEOPLE HERE TODAY

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1 HAVE ANY COMMENT ON THAT, I WOULD JUST LIKE TO
2 KNOW FOR MORE OF CURIOSITY AT THIS POINT.

3 MR. BLOCK: LET ME GO AHEAD JUST TO
4 AMPLIFY A LITTLE BIT FURTHER THAT THE PROVISIONS
5 THAT ARE IN THE REGULATIONS BEFORE YOU HAVE THE
6 TOOLS TO ADDRESS THAT ISSUE IF THERE IS, IN FACT,
7 DISPOSAL GOING ON. AS YOU MENTIONED, THE NOTICE
8 AND ORDER IS ON TOP OF THIS. AND THE ISSUES THAT
9 I RAISED IN TERMS OF CONTINUING TO WORK WITH CDFA
10 ARE REALLY MORE IN A PRACTICAL SENSE ABOUT, YOU
11 KNOW, IF AN LEA SPOTS A SITE LIKE THIS, WHAT ARE
12 THE MECHANICS OF CONTACTING THE DEPARTMENT AND
13 GOING THROUGH THAT PROCESS BECAUSE AT SOME POINT
14 IN TIME IN TERMS OF CDFA'S JURISDICTION, THERE'S
15 THE ABILITY FOR THEM TO SAY THIS IS NOT LAND
16 APPLICATION. IT'S NOT IN ACCORDANCE WITH OUR
17 REQUIREMENTS. AND THEN IT FALLS BACK TO BEING
18 DISPOSAL ACTIVITY, BUT THE MECHANICS OF THAT ARE
19 NOT SOMETHING THAT REALLY FALL INTO THE REGS
20 THEMSELVES PER SE. IT WOULDN'T HAVE PROVISIONS
21 FOR WHO DO YOU CONTACT WHEN TYPE OF THING.

22 CHAIRMAN FRAZEE: THE DRAFT REGULATIONS
23 DO HAVE A FAIRLY BROAD LEVEL OF EXCLUSIONS. ARE
24 THOSE STILL EXCLUSIONS OR OUTSIDE SITING -- AND
25 I'M HAVING TROUBLE FOLLOWING THE NUMBERS, BUT IT'S

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1 ON PAGE 3 -- DISPOSAL DOES NOT INCLUDE THE USE OF
2 NONHAZARDOUS ASH FOR SNOW AND ICE, CONTROLLED ROAD
3 BASE, SUB-BASE, WALK AREAS, PARKING AREAS, AIRPORT
4 RUNWAYS. AND I BELIEVE THAT WAS THE CONTENTION OF
5 THE USER IN THIS PARTICULAR CASE IN KERN COUNTY
6 WAS THAT IT WAS BEING USED FOR AN AIRPORT RUNWAY.

7 MR. BLOCK: THAT'S SECTION 17376(B)(5).
8 ALL OF THE ACTIVITIES LISTED THERE ARE OUT OF THE
9 SCOPE OF THESE REGULATIONS. THEY'RE NOT EXCLUDED
10 IN THE SENSE OF BEING AN EXCLUDED TIER, BUT
11 THEY'RE DEFINED AS NOT BEING TYPES OF DISPOSAL.
12 SO THE ISSUES THAT COME INTO PLAY WOULD BE WHEN,
13 IN FACT, IS THE USE ACTUALLY ONE OF THESE LISTED
14 ACTIVITIES AS OPPOSED TO SIMPLY JUST BEING DUMPED
15 ON THE GROUND. AND THAT'S REALLY A FACTUAL
16 CASE-BY-CASE KIND OF A DETERMINATION.

17 MEMBER RELIS: WELL, THEN, IT DOES SEEM
18 WHATEVER IS AGREED TO WITH FOOD AND AG IN TERMS OF
19 ADVISORY, I THINK THAT'S AN IMPORTANT STEP. I'D
20 JUST BE CURIOUS. DO YOU HAVE ANY SCHEDULE FOR
21 DOING THAT?

22 MS. RICE: WE HOPE TO INITIATE
23 DISCUSSIONS WITH CDFA AND GET SOMETHING OUT FOR
24 LEA'S QUICKLY, BUT HAVE NOT YET BEGUN THAT
25 PROCESS.

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1 BOARD MEMBER CHESBRO: MR. CHAIRMAN, MAY
2 I ASK A QUESTION?

3 CHAIRMAN FRAZEE: YES.

4 BOARD MEMBER CHESBRO: THANK YOU. SINCE
5 THIS ISN'T COMING TO BOARD THIS MONTH, I
6 APPRECIATE YOUR COURTESY IN LETTING ME ENGAGE IN
7 THIS A LITTLE BIT. I'M CONCERNED AND WOULD LIKE
8 TO KNOW WHAT, IF ANY, IS THE MECHANISM FOR
9 DETERMINING THE BENEFICIAL AGRONOMIC RATE OF
10 APPLICATION THAT ABOVE WHICH YOU NEED TO BE
11 CONCERNED THAT IT IS NOT AN AGRICULTURAL ACTIVITY,
12 BUT IS, IN FACT, THE KIND OF DISPOSAL THAT I THINK
13 MR. RELIS IS TALKING ABOUT? IS THERE ANYTHING IN
14 HERE AT ALL, ANY WAY TO APPROACH THAT ISSUE?

15 MS. RICE: I THINK THAT'S A QUESTION FOR
16 CDFA RATHER THAN OURSELVES. AS I UNDERSTAND HOW
17 THE REGS HAVE BEEN REDRAFTED, IT IS NOT ADDRESSED
18 IN OUR REGULATIONS.

19 BOARD MEMBER CHESBRO: IS THERE ANY
20 ATTEMPT BY CDFA TO DETERMINE WHAT IS AND ISN'T A
21 BENEFICIAL AGRICULTURAL APPLICATION OF THESE
22 REGISTERED MATERIALS?

23 MR. DIER: LET ME SAY A LITTLE BIT ABOUT
24 WHAT WE'RE SAYING AND NOT SAYING BECAUSE IT MIGHT
25 BE HELPFUL TO MAKE THIS CONCRETE.

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1 SOMETHING IS BEEPING AT ME HERE. IS
2 THAT THE MACHINE HERE?

3 WHAT WE'RE REALLY SAYING IS THAT WE
4 RECOGNIZE AS A BONA FIDE AGRICULTURAL USE THE
5 APPLICATION OF WOOD ASH IN CERTAIN CONCENTRATIONS
6 THAT ARE NOTED IN OUR REGULATIONS. THAT'S WHAT
7 WE'RE SAYING.

8 WE ARE -- THERE ARE A LOT OF THINGS
9 THAT WE'RE NOT SAYING. BUT IN TERMS OF WHAT WE
10 WERE ASKED, WHAT IS A BONA FIDE AGRICULTURAL USE,
11 FOR SOME YEARS NOW THE DEPARTMENT HAS RECOGNIZED
12 THE USE OF WOOD ASH IN THIS WAY. IT'S, I THINK,
13 WELL UNDERSTOOD WITHIN THE INDUSTRY WHAT IT IS
14 THAT WE RECOGNIZE.

15 WE HAVE HAD FROM TIME TO TIME SOME
16 ENFORCEMENT ISSUES. THERE WAS AN EVENT NOT FAR
17 FROM HERE IN OUR NEIGHBORING COUNTY WHERE ASH THAT
18 DIDN'T REALLY FIT THOSE GUIDELINES WAS DUMPED IN A
19 PARTICULAR SITE. WE TEND TO SEE THAT AS AN
20 ENFORCEMENT PROBLEM, AND WE ARE MORE THAN HAPPY TO
21 WORK WITH THE LEA'S OVER TIME TO DEVELOP
22 GUIDELINES SO THAT THE WAY WE LOOK AT THINGS IS
23 USEFUL TO THEM IN THE WAY THEY LOOK AT THINGS.

24 THE GAP, IN A WAY, THAT WE HAVE TO
25 BRIDGE IS OUR ORIENTATION ISN'T AROUND PROHIBITING

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1 AND CONTROLLING AND PREVENTING AND STOPPING. OUR
2 ORIENTATION IS AROUND PERMITTING PRACTICAL, USEFUL
3 PRODUCTS FOR GROWERS. AND ONE WAY OF LOOKING AT
4 IT IS IF A GROWER IS WILLING TO PUT HARD MONEY TO
5 BUY A PRODUCT, WELL, MAYBE IT'S A LEGITIMATE
6 AGRICULTURAL USE. IF SOMEONE HAS TO PAY THEM TO
7 DO IT, THEN WE OUGHT TO LOOK AT IT MORE CLOSELY.

8 BUT OUR BOTTOM LINE IS WE'RE LOOKING
9 TO DEVELOP SAFE, HEALTHFUL WAYS OF DEALING WITH
10 WHAT IS REALLY A VERY SMALL AVAILABLE RESOURCE.
11 AGRICULTURAL LAND MAY SEEM BIG TO A LOT OF PEOPLE,
12 BUT ITS JUST A SMALL RAZOR'S EDGE OF THE SURFACE
13 OF THE PLANET, AND THAT SMALL RAZOR'S EDGE HAS TO
14 SUPPORT BILLIONS NOW OF PEOPLE AND IN CALIFORNIA A
15 \$22 BILLION INDUSTRY.

16 SO WE ARE REALLY VERY CAREFUL ABOUT
17 WHAT WE ALLOW -- WE PERMIT TO GO ON THAT PROPERTY,
18 AND WE'VE SPELLED IT OUT IN REGS AND STATUTE AND
19 PROBABLY WOULD BE VERY SLOW AND CONSERVATIVE IN
20 EXPANDING THAT.

21 SO IT SHOULDN'T BE TOO HARD OVER
22 TIME TO DEVELOP GUIDELINES THAT WOULD HELP LEA'S.
23 I SHOULD SAY WE'RE NOT SAYING ANYTHING ABOUT
24 CARDBOARD RECYCLING AND A NUMBER OF OTHER ISSUES
25 THAT HAVE DELUGED MY OFFICE SINCE WE SENT OUT A

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1 LETTER ON THE SUBJECT OF ASH, BUT WE'RE TALKING
2 ABOUT ASH. I HOPE THAT HELPS.

3 BOARD MEMBER CHESBRO: SO AS I UNDERSTAND
4 WHAT YOU ARE SAYING IS THAT YOUR REGULATIONS DO
5 ADDRESS THE QUESTION OF WHAT IS THE -- WHAT ARE
6 THE CONCENTRATIONS THAT ARE CONSIDERED BENEFICIAL
7 CONCENTRATIONS OF ASH?

8 MR. DIER: OUR REGULATIONS SPELL OUT THE
9 CONCENTRATION OF THE ASH THAT'S PERMITTED IN SOIL
10 ADDITIVE IN CONNECTION WITH THE PACKAGING AND
11 LABELING REQUIREMENTS, YES.

12 BOARD MEMBER CHESBRO: BUT HOW, IF AT
13 ALL, WOULD THEY ADDRESS SOMEONE PURCHASING A PIECE
14 OF LAND, SAYING I'M A FARMER, AND GOING OUT AND
15 PILING ASH ON THE PROPERTY THAT OBVIOUSLY IS WELL
16 BEYOND WHAT IS BENEFICIAL TO THE SOIL? IS THERE
17 ANY MECHANISM FOR DETERMINING THAT OTHER THAN
18 CONSULTATION BETWEEN YOU AND THE LEA'S, WHICH I
19 HEAR YOU ARE TALKING ABOUT?

20 MR. DIER: WELL, WE DON'T HAVE A PROCESS
21 WHERE WE SAY THOU SHALT NOT PUT THIS STUFF ON YOUR
22 PROPERTY AND IF YOU DO, WE'RE GOING TO DO
23 SOMETHING TO YOU. WE HAVE ON THE FLIP SIDE A
24 POSITIVE PROCESS WHERE WE SAY IT'S OKAY FOR YOU TO
25 DO SOMETHING.

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1 AND WHAT WE'RE TRYING TO SAY TO YOU
2 IS THAT WE, THE DEPARTMENT OF FOOD AND AG, DO NOT
3 WANT TO GO BEYOND WHAT WE'VE SAID IS OKAY. AND
4 WHAT WE'VE SAID IS OKAY IS THIS USE OF WOOD ASH IN
5 LIMITED CONCENTRATIONS. IT'S REALLY A VERY
6 LIMITED USE, AND I THINK THE INDUSTRY IS QUITE
7 FAMILIAR WITH THE NATURE OF THAT USE.

8 MEMBER RELIS: JUST A POINT OF CLARIFI-
9 CATION. WE'RE NOT ONLY TALKING ABOUT WOOD ASH
10 HERE. THIS IS NONHAZARDOUS ASH IN A BROADER
11 RANGE. IT COULD BE FROM A COAL-FIRED PLANT. IT
12 COULD BE FROM ANY NUMBER OF SOURCES. WE'RE CLEAR
13 ON THAT.

14 MR. DIER: WELL, THE DEPARTMENT OF FOOD
15 AND AGRICULTURE RECOGNIZES AS LEGITIMATE
16 AGRICULTURAL USE WOOD ASH IN CERTAIN CONCENTRA-
17 TIONS THAT ARE SPELLED OUT IN THE REGS. WE
18 HAVEN'T ADDRESSED THE ISSUE OF COAL ASH AS SUCH.

19 MS. RICE: MR. RELIS, OUR REGULATIONS
20 DEAL MORE BROADLY WITH TRANSFER, STORAGE, AND
21 DISPOSAL OF ASH. BUT WHAT MR. DYER IS INDICATING
22 IS -- AT THIS POINT HE'S SAYING THEY HAVE APPROVED
23 PRODUCTS OR WHATEVER THE RIGHT PHRASE FOR WOOD
24 ASH, BUT THAT'S NOT TO MEAN THAT OUR REGULATIONS
25 ARE LIMITED TO WOOD ASH.

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1 MEMBER RELIS: LET'S JUST STEP BACK A
2 SECOND THEN MAYBE. AND MR. CHESBRO HAS RAISED THE
3 POINT OF -- AND THIS HAS BEEN THE SUBJECT OF OUR
4 ONGOING DIALOGUE HERE AT THE COMMITTEE OVER --
5 WHEN WE WERE FACED WITH THE ISSUE OF TRYING TO
6 DETERMINE AGRONOMIC RATE, WE REALIZED -- I MEAN
7 THIS BOARD DOES NOT HAVE THE EXPERTISE TO BE IN
8 THE AGRICULTURAL BUSINESS. SO CDFA STEPPED
9 FORWARD AND SAID -- WELL, I GUESS THEY USED THE
10 TERM "WE CLAIM THAT GROUND."

11 SO I BELIEVE WE'RE QUITE HAPPY THAT
12 YOU'RE CLAIMING THE GROUND. WE'RE JUST TRYING TO
13 CLARIFY HERE WHERE THE ENFORCEMENT OF THIS BOARD
14 BEGINS AND ENDS. AND I THINK, THEN, THAT
15 INTERACTION QUESTION BECOMES A COMMUNICATION ISSUE
16 BETWEEN OUR RESPECTIVE AGENCIES, SO WE'RE NOT
17 STEPPING OVER EACH OTHER, AND ALSO WE'RE NOT
18 LETTING CASES FALL THROUGH THAT I THINK WOULD BE
19 OF GREAT CONCERN TO CDFA.

20 I MEAN YOU DON'T WANT TO SEE WASTE
21 OPERATIONS ON CALIFORNIA'S AGRICULTURAL SOILS, AND
22 WE DON'T WANT TO SEE AN ABUSE OF, WELL, ILLEGAL
23 DISPOSAL AT SITES. BUT IN THE ARRANGEMENT WE
24 CURRENTLY TALKING ABOUT HERE TODAY BEFORE US,
THE

25

AGRONOMIC ISSUE IS YOUR ISSUE. IT'S NOT OUR

27

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1 ISSUE. PURE AND SIMPLE. AND THEN HOWEVER THAT
2 GETS DETERMINED BY YOU, THAT'S YOUR REGULATORY
3 ARENA. SO I SUPPOSE YOU ARE SAYING THAT'S GOING
4 TO REQUIRE FURTHER DEVELOPMENT.

5 MR. DIER: WELL, WHAT I'M SAYING -- THE
6 QUESTION THAT WAS PUT TO US IS WHAT IS A
7 BENEFICIAL AGRICULTURAL USE. AND WHAT WE'RE
8 SAYING IS WHAT WE RECOGNIZE CURRENTLY AT THIS TIME
9 AS A BENEFICIAL AGRICULTURAL USE IS THE APPLICA-
10 TION OF ESSENTIALLY WOOD ASH IN CERTAIN SPECIFIED
11 CONCENTRATIONS, AND WE HAVE A PROCESS TO PERMIT
12 IT.

13 TO USE KIND OF AN EXTREME EXAMPLE,
14 WE AREN'T SAYING ANYTHING ABOUT INJECTION WELLS.
15 WE ARE -- WE'RE TRYING ON THE POSITIVE NOTE TO
16 HELP YOU BY DEFINING WHAT IS A LEGITIMATE, BONA
17 FIDE AGRICULTURAL USE. THAT'S THE AREA WE KIND
18 OF

18 CARVED OUT FOR OURSELVES. THIS IS NOT TO SAY
19 ALSO

19 WE AREN'T WILLING TO WORK WITH INDUSTRY ABOUT
20 EXPANDING THAT OVER TIME, BUT THAT'S WHERE IT
21 IS
21 NOW.

22 BOARD MEMBER CHESBRO: WELL, MR.
23 CHAIRMAN, I CERTAINLY AGREE THAT WE DON'T WANT

TO

24 BE OVERLAPPING AND DOING THE BUSINESS OF THE

FOOD

25 AND AG ON THIS, BUT IT WOULD CERTAINLY BE

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1 REASSURING FOR US IN THIS PROCESS TO HAVE -- TO
2 FIGURE OUT WHAT THE DIVIDING LINE IS SO THAT WE
3 KNOW WHEN WE AND THE LEA'S DO HAVE RESPONSIBILITY
4 AND WHEN WE DON'T TO TRY TO DEFINE, NOT FOR US TO
5 BE ENGAGED IN SAYING WHAT AGRONOMIC USE IS, BUT TO
6 FIGURE OUT SOME SORT OF PARAMETERS OR LIMITS THAT
7 THEN SAY BELOW THAT IT'S AGRICULTURAL REGULATION,
8 ABOVE THAT IT'S REGULATION OF SOLID WASTE, AND SO
9 THAT WE'RE NOT LEFT WITH THIS AMBIGUITY. AND
10 THAT'S OF GREAT CONCERN TO ME.

11 MEMBER RELIS: MR. CHAIR, ONE MORE POINT
12 OF CLARIFICATION. IN THE LETTER FROM CDFA AND
13 THEN PERHAPS -- IT SAYS HERE. THIS IS THE LETTER
14 DATED MARCH 11TH TO YOU, MR. FRAZEE, AND MR.
15 PENNINGTON. I RECEIVED A COPY OF IT. "IT'S
16 CDFA'S ROLE TO DEFINE A BENEFICIAL AGRICULTURAL
17 USE. CDFA ALREADY REGULATES ASH IN THE FORM OF
18 WOOD FLY ASH AS A FERTILIZING MATERIAL. ABSENT
19 FURTHER REGULATORY OR STATUTORY DEVELOPMENT, NO
20 OTHER ACTIVITIES OR MATERIALS WOULD BE CONSIDERED
21 BENEFICIAL USES FOR AGRICULTURE."

22 NOW, MAYBE I JUST NEED ONE MORE
23 CLARIFICATION. THEN WHERE DOES THE COAL ASH FALL
24 IF -- IN THIS STATEMENT FROM YOU? AND I'M OPEN.
25 CHAIRMAN FRAZEE: WE DO HAVE A SPEAKER

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1 SLIP FROM CAROLYN BAKER, REPRESENTING THE
2 COGENERATION ASH COALITION. BUT MY UNDERSTANDING,
3 AND WE'VE BEEN PROVIDED WITH LABELS, THAT THERE
4 ARE LABELS ON COAL ASH THAT CDFA HAS ACCEPTED, AND
5 THAT IT'S BEING USED EXTENSIVELY.

6 MS. BAKER: THAT'S CORRECT, MR. CHAIRMAN.

7 MEMBER RELIS: SO BY EXTENSION, IF
8 THERE'S NO LABEL, SOMEONE HAS AN OPERATION, BUT
9 THERE'S NO LABEL, THEN THEY DON'T -- THEY'RE NOT
10 ALLOWED TO USE IT?

11 MS. BAKER: THROUGH CDFA'S REGULATIONS.

12 CHAIRMAN FRAZEE: IF YOU CAN LET MS.
13 BAKER TESTIFY HERE.

14 MS. BAKER: THANK YOU, MR. CHAIRMAN. MR.
15 DYER'S LARGELY CORRECT IN WHAT HE SAID; HOWEVER,
16 PERHAPS HE IS NOT AWARE OF THE MANY YEARS THAT WE
17 HAVE REGISTERED COAL ASH AS A FERTILIZER THROUGH
18 CDFA'S FERTILIZER REGULATIONS. IT IS A REGISTERED
19 AND LABELED PRODUCT. AND THE CHAIRMAN IS CORRECT.
20 WE HAVE PROVIDED HIM WITH A COPY OF A LABEL FOR
21 STOCKTON COGEN WHICH IS REGISTERED THROUGH TRIAD,
22 WHICH IS THE SOIL SPREADING OPERATION THAT'S
23 CURRENTLY OPERATING IN STANISLAUS COUNTY. THIS
24 HAS BEEN ONGOING FOR SEVERAL YEARS.

25 BASICALLY, I DON'T REMEMBER ALL THE

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1 CATEGORIES IN CDFA'S REGULATIONS. AND AGAIN I
2 APOLOGIZE FOR NOT HAVING THOSE WITH ME, BUT THERE
3 ARE VARIOUS CATEGORIES. IF YOU FALL INTO ONE OF
4 THOSE CATEGORIES, FOR EXAMPLE, IF YOU ARE A

LIMING

5 AGENT OR POTASH OR SOMETHING LIKE THAT, THAT'S

HOW

6 IT IS DETERMINED WHETHER YOU QUALIFY TO REGISTER
7 YOUR MATERIAL. AND IT'S NOT WHETHER IT'S WOOD

ASH

8 OR COAL ASH, OR IT'S NOT BROKEN OUT THAT WAY.

9 MEMBER RELIS: BUT IF IT'S NOT
10 REGISTERED, THEN IT CAN'T BE USED, THEN I TAKE
11 IT.

12 IS THAT -- I PROBABLY SHOULDN'T ASK YOU.

13 MS. BAKER: I DON'T KNOW BECAUSE WE DO
14 REGISTER IT, SO I DON'T KNOW WHAT WOULD HAPPEN
15 IF

16 WE DIDN'T.

17 MR. DIER: I THINK THE BEGINNING POINT
18 IS

19 IF IT'S NOT REGISTERED, IT'S NOT A RECOGNIZED
20 BONA

21 FIDE USE. AND IT MAY BE THAT THE DIFFERENCE
22 BETWEEN THE TWO OF US CAN BE EXPLAINED IN TERMS
23 OF

19 HOW I HAVE LEARNED THE LABELING.
20 (INTERRUPTION IN PROCEEDINGS.)
21 MR. DIER: THANK YOU. IT MAY BE THAT
THE
22 DIFFERENCE BETWEEN -- OH, BOY. NOW IT'S REALLY
23 GOOD -- MAYBE THE DIFFERENCE BETWEEN THE TWO
24 POSITIONS THAT YOU'VE JUST HEARD IS -- COMES
DOWN
25 TO HOW I'VE LEARNED THE LABELING TITLES. AND I

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1 THINK PROBABLY IT WOULD E BE BETTER, RATHER THAN
2 TAKE UP YOUR TIME WITH IT, IF WE ALL COULD MEET
3 AND GET IT RESOLVED.

4 WE ARE NOT AT CDFA INTENDING TO
5 CHANGE ANYTHING FROM THE WAY WE'VE OPERATED FOR
AT

6 LEAST FIVE YEARS NOW. SO MAYBE SHE AND I CAN GET
7 TOGETHER AND WE CAN WORK THAT OUT SO IT'S NOT AN
8 ISSUE FOR ANYBODY.

9 ALL THAT WE ARE SAYING IS WE HAVE A
10 STRUCTURE WHICH DEALS WITH SOIL ADDITIVES AND
FEED

11 AND FERTILIZER WHICH SETS OUT CONCENTRATIONS AND
12 NATURE OF THE PRODUCT WE RECOGNIZE AS LEGITIMATE.
13 IT'S USED IN TWO DIFFERENT WAYS. ONE'S AS A
14 STRICT FERTILIZER AND THE OTHER IS A GENERAL SOIL
15 ADDITIVE.

16 CHAIRMAN FRAZEE: OKAY. GOOD. THANK
17 YOU.

18 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

19 MS. BAKER: ONE QUICK REMARK IN RESPONSE
20 TO WHAT MR. RELIS SAID. BASICALLY, IF YOUR
21 PRODUCT ISN'T LABELED, IT CAN'T BE MARKETED OR
22 DISTRIBUTED.

23 MEMBER RELIS: THAT'S WHAT I'M ASSUMING

24 FROM THE WAY I READ CDFA'S STATEMENT. SO THAT, I
25 ASSUME, THEN, WOULD BECOME PART OF THIS

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1 EXPLANATION IN THE LEA ADVISORY OR WHATEVER WE'RE
2 TALKING ABOUT.

3 MS. RICE: MY ASSUMPTION -- AND HELP ME
4 OUT, ELLIOT, IF I MISSTATE THIS -- WOULD BE THAT
5 IF A PRODUCT IS NOT APPROVED FOR USE ON
6 AGRICULTURAL LANDS, SPREADING OF IT, THEN THAT
7 BECOMES DISPOSAL OR SOMETHING THAT CAN BE LOOKED
8 AT AS TO WHETHER IT IS DISPOSAL AND IT IS NO
9 LONGER IN CDFA'S JURISDICTION, BUT WOULD BE
10 APPROPRIATE FOR AN LEA AND US TO LOOK INTO.

11 MEMBER RELIS: THAT'S EXACTLY THE
12 DISTINCTION I WAS TRYING TO GET AT HERE.

13 BOARD MEMBER CHESBRO: THE ONE ADDITIONAL
14 COMMENT I WOULD MAKE WOULD BE THAT I WOULD HOPE
15 THAT BEFORE THIS COMES BACK FOR THE PUBLIC PROCESS
16 AT THE BOARD LEVEL, THAT THE PROCESS OF
17 ESTABLISHING THE PARAMETERS AND THE LEA ADVISORY
18 AND ALL THAT WOULD BE WELL DEVELOPED SO THAT WE
19 COULD SEE IT IN TANDEM WITH THESE REGULATIONS TO
20 PROVIDE SOME ASSURANCE THAT THERE'S SYMMETRY HERE,
21 THAT THE ISSUE OF POTENTIAL FOR ABUSE IS CLEARLY
22 ADDRESSED AND TAKEN CARE OF AT THE SAME TIME AS WE
23 HAND OFF THE MAIN ISSUE TO THE CDFA.

24 I DON'T KNOW IF THERE'S TIME TO DO
25 THAT. I CERTAINLY WOULD ASK CDFA TO WORK WITH US

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1 AND THE LEA'S TO TRY TO HAVE THE REST OF THE ISSUE
2 CLARIFIED AT THE TIME THAT THE BOARD ACTUALLY
3 ADOPTS THESE REGS.

4 MS. RICE: OUR PLAN, IN TERMS OF TIMING,
5 BASED UPON YOUR ACTION TODAY, WOULD BE TO NOTICE
6 THE 15-DAY COMMENT PERIOD; AND THEN, OF COURSE,
7 BASED ON THE OUTCOME OF THAT COMMENT PERIOD, WHICH
8 WE CAN'T FULLY DICTATE TODAY, PLAN TO AGENDIZE
9 THIS ITEM FOR CONSIDERATION OF ADOPTION OF THE
10 REGULATIONS AT YOUR MAY COMMITTEE AND BOARD
11 MEETINGS, INCLUDING CEQA COMPLIANCE AT THAT TIME
12 AS WELL.

13 WE CAN CERTAINLY DO OUR BEST TO
14 INITIATE MEETINGS WITH CDFA AND OTHERS IN THE
15 MEANTIME. WHETHER WE WOULD HAVE FINALIZED
16 GUIDANCE TO LEA'S, GIVEN THE TIME FRAME FOR
17 COMPLETING THE REGULATION PROCESS AND RESPONSE
18 TO
19 COMMENTS AND ALL OF THAT SORT OF THING, I
20 COULDN'T

21 GUARANTEE THAT, BUT WE CAN CERTAINLY DO OUR BEST
22 TO START THAT PROCESS.

23 BOARD MEMBER CHESBRO: PROJECTING AHEAD
24 TO THAT BOARD MEETING, MY COMFORT LEVEL WITH
25 ADOPTING THESE REGS WILL DEPEND LARGELY ON WHERE
26 WE ARE IN GETTING THE REST OF THAT ISSUE

RESOLVED

25 SO THAT WE CAN HAVE SOME ASSURANCE THAT THAT'S

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1 GOING TO BE IN PLACE AT THE SAME TIME THAT THESE
2 REGS ARE.

3 MS. RICE: I THINK MOST OF THE ISSUE
4 COMES DOWN TO WHETHER OR NOT IT IS WITHIN CDFA'S
5 JURISDICTION OR OURS, MEANING WHETHER OR NOT THE
6 PRODUCT IS APPROVED FOR USE. IF IT IS, THAT FALLS
7 INTO ONE WHOLE REALM. IF IT ISN'T, THEN WE WOULD
8 BE PROVIDING GUIDANCE TO LEA'S ON HOW TO ADDRESS
9 THAT, AS WELL AS HOW TO CONTACT CDFA IF THEY HAD
10 CONCERNS ABOUT USE OF AN APPROVED PRODUCT.

11 CHAIRMAN FRAZEE: OKAY. ARE WE READY FOR
12 A MOTION?

13 MEMBER JONES: I'LL MAKE A MOTION THAT IT
14 GOES OUT FOR THE 15-DAY COMMENT -- NOTIFICATION OF
15 COMMENT PERIOD.

16 MEMBER RELIS: I'LL SECOND THAT.

17 CHAIRMAN FRAZEE: OKAY. WE HAVE A MOTION
18 AND SECOND TO SEND THE NONHAZARDOUS ASH
19 REGULATIONS OUT FOR A 15-DAY COMMENT PERIOD.
20 SECRETARY WILL CALL THE ROLL.

21 THE SECRETARY: BOARD MEMBER RELIS.

22 MEMBER RELIS: AYE.

23 THE SECRETARY: JONES.

24 MEMBER JONES: AYE.

25 THE SECRETARY: CHAIRMAN FRAZEE.

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1 CHAIRMAN PENNINGTON: AYE. MOTION IS
2 CARRIED. THIS WILL NOT GO TO THE BOARD.

3 MS. RICE: THAT'S CORRECT.

4 CHAIRMAN FRAZEE: NOW WE ARE READY FOR
5 ITEM 6, THE CONSIDERATION OF THE APPROPRIATE
6 REGULATORY CONTROLS FOR TIRE MONOFILL LANDFILLS.

7 MS. RICE: THANK YOU, MR. CHAIRMAN.
8 CHARLENE HERBST WILL MAKE A PRESENTATION FOR BOARD
9 STAFF.

10 MS. HERBST: GOOD MORNING, CHAIRMAN
11 FRAZEE, COMMITTEE MEMBERS. OVER THE PAST FEW
12 MONTHS THE ISSUE OF ACCEPTABILITY OF AND
13 APPROPRIATE CONTROLS FOR TIRE MONOFILL LANDFILLS
14 HAVE BEEN RAISED BEFORE THIS COMMITTEE. MOST
15 RECENTLY THE OXFORD TIRE RECYCLING FACILITY IN
16 STANISLAUS COUNTY HAS PROVIDED A CLOSURE PLAN
17 WHICH INCORPORATES THE TIRE MONOFILL CONCEPT.

18 THE BOARD ITEM BEFORE YOU IS
19 DESIGNED TO PROVIDE AN OPPORTUNITY FOR THE
20 COMMITTEE MEMBERS TO DISCUSS POSSIBLE APPROACHES
21 FOR PREPARING REGULATIONS AND PROVIDE SOME
22 DIRECTION TO STAFF ON HOW YOU WOULD LIKE US TO
23 PROCEED.

24 STAFF HAS BEEN REVIEWING AVAILABLE
25 TECHNICAL DATA ON THE FLAMMABILITY OF TIRE CHIP

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1 PILES AND THE POSSIBLE MECHANISMS THAT WOULD BE
2 TRIGGERING THOSE EVENTS. AS OF THIS DATE, STAFF
3 DOESN'T FEEL THAT WE HAVE A DEFINITIVE
4 UNDERSTANDING OF THE MECHANISM THAT IS CAUSING THE
5 SPONTANEOUS COMBUSTION OF THE TIRE CHIPS.

6 IT SEEMS PRETTY CLEAR THAT IT'S
7 SOMEHOW RELATED TO THE METAL REMAINING IN THE TIRE
8 CHIPS, BUT THE OXIDATION SEEMS TO BE ENHANCED BY
9 WATER, BY FERTILIZER, BY BACTERIAL ACTION, AND
10 EXACTLY WHAT MECHANISMS YOU COULD INCORPORATE IN
11 REGULATIONS TO CONTROL THAT COMBUSTION, AT THIS
12 POINT WE DON'T FEEL WE HAVE A DEFINITIVE ANSWER
13 FOR THAT.

14 THEREFORE, STAFF'S RECOMMENDATION,
15 WHICH IS INCORPORATED INTO THE ITEM, DISCUSSES
16 THAT STAFF WOULD PREPARE A GUIDANCE DOCUMENT ON
17 SAFE TIRE -- SAFE HANDLING OF TIRES WITHIN
18 MONOFILLS, AND THAT THAT GUIDANCE DOCUMENT WOULD
19 THEN BECOME THE TECHNICAL BASIS FOR REGULATIONS
20 WHICH STAFF WOULD THEN PREPARE FOR YOUR REVIEW.

21 THAT CONCLUDES MY PRESENTATION, AND
22 I'D BE GLAD TO ANSWER QUESTIONS.

23 CHAIRMAN FRAZEE: QUESTIONS? WE DO HAVE

24 A SPEAKER SLIP FROM GEORGE LARSON.

25 MR. LARSON: GOOD MORNING, MR. CHAIRMAN,

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1 MEMBERS. GEORGE LARSON REPRESENTING USA WASTE AND
2 CALIFORNIA ASBESTOS MONOFILL IN PARTICULAR. WE
3 REQUESTED THE OPPORTUNITY TO SPEAK TODAY AS A
4 FOLLOW-UP TO WHAT WE PERCEIVED TO BE A DISCUSSION
5 REGARDING TIRE MONOFILLS AT A RECENT MEETING OF
6 THE WASTE BOARD OR COMMITTEE -- I'M SORRY. I
7 FORGET WHICH IT WAS -- AND FELT IT IMPERATIVE THAT
8 WE ASK THE OPPORTUNITY TO MAKE A PRESENTATION
9 REGARDING ACTIVITIES ONGOING AT THE CALIFORNIA
10 ASBESTOS MONOFILL AND, MORE SPECIFICALLY, TOWARDS
11 NEW OPERATIONS OF THAT FACILITY THAT WOULD ALLOW
12 FOR THE ACCEPTANCE OF WASTE TIRE SHREDS IN A
13 SEPARATE MONOFILL SETTING FROM THE ASBESTOS
14 MATERIALS.

15 IT IS, I KNOW, AN ISSUE THAT MAY BE
16 COMPLETELY NEW TO SOME MEMBERS. I HAVE MET WITH
17 MEMBERS THIS WEEK AND KIND OF GOT THE FEELING
18 ABOUT THE SITUATION RELATIVE TO THAT KNOWLEDGE
19 ABOUT MONOFILLS. HOWEVER, IT IS NOT A NEW
20 ISSUE,

21 FOR SURE, AND A NEW MANAGEMENT TECHNIQUE. IN
22 FACT, IT'S CLEARLY ENUNCIATED IN THE ORIGINAL
23 TIRE
24 LAW, THAT THE DEVELOPMENT OF REPOSITORIES THAT
ACCEPT TIRES FOR LATER REMOVAL AND USE IS A
PRIORITY, CERTAINLY IN FAVOR OF STACKING TIRES

IN
25 A FILE.

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1 I ALSO REQUEST OPPORTUNITY FOR MR.
2 JOEY TONY, WHO'S THE SITE MANAGER OF THE
3 CALIFORNIA ASBESTOS MONOFILL, TO GIVE A BRIEF
4 TECHNICAL OVERVIEW OF THE ENVIRONMENTAL
5 CONDITIONAL LAND USE WORK, THE WASTE DISCHARGE
6 PERMIT AND AIR QUALITY PERMIT, AS WELL AS ALL
7 OTHER LOCAL ACTIVITIES THAT HAVE BEEN GOING ON AT
8 THE LOCAL ENFORCEMENT AGENCY.

9 AS YOU'RE PROBABLY AWARE, A LETTER
10 WAS SENT OUT FROM THE BOARD ON DECEMBER 23D,
11 WHICH WOULD HAVE DELEGATED TO THE LOCAL
12 ENFORCEMENT AGENCY THE DECISION OVER WHETHER A
13 SOLID WASTE FACILITY PERMIT WOULD BE NECESSARY AT
14 THIS TIRE MONOFILL. THAT WAS UNDER THE PROVISIONS
15 OF LEA ADVISORY NO. 12.

16 WE FELT THAT THAT WAS BASED UPON
17 SOME GOOD STAFF WORK AND GOOD PUBLIC POLICY.
18 HOWEVER, THE ISSUE OF TIRE FIRES, I THINK, HAS
19 TAKEN ON A SIGNIFICANT LEVEL OF VISIBILITY AND
20 IMPORTANCE. AND IT CERTAINLY IS AN IMPORTANT
21 ISSUE AND NOT ONE THAT WE HAVE EVADED IN OUR
22 DEVELOPMENT OF OUR WORK AT THE CALIFORNIA
ASBESTOS

23 MONOFILL.

24 WE'VE BEEN INVOLVED IN THIS FOR TWO
25 YEARS AND HAVE SPENT ABOUT \$300,000 AND PREPARED

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1 AN ENVIRONMENTAL DOCUMENT, CONDITIONAL USE PERMIT
2 FOR CALAVERAS COUNTY PLANNING DEPARTMENT, AND ALL
3 OTHER PERMITS. WE FEEL KIND OF -- THAT WITH THE
4 SUBSTANTIAL WORK THAT'S BEEN DONE, THAT IT IS
5 CERTAINLY VERY IMPORTANT TO US TO HAVE THE
6 ABILITY, BASED UPON THE GOOD WORK THAT WE'VE DONE,
7 TO MOVE FORWARD WITH OUR ACTIVITIES FOR THE
8 ACCEPTANCE OF TIRES IN A MONOFILL SETTING.

9 I ALSO NOTE THAT IN TERMS OF AN
10 EXTENSION OF A DESIRE TO WORK COOPERATIVELY WITH
11 THE BOARD, THAT YOUR STAFF'S ANALYSIS OF THE
12 SITUATION IN THIS AGENDA ITEM INDICATES YOU'RE
13 HAMPERED BY THE LACK OF TECHNICAL DATA REGARDING
14 THIS ISSUE. WE FEEL WE HAVE A WEALTH OF TECHNICAL
15 DATA, INCLUDING VERY SPECIFIC PLANS TO CONTROL
16 FIRES IN A MONOFILL SETTING. AND WE WOULD BE MORE
17 THAN PLEASED TO WORK TOWARDS THAT COMMON GOAL.
18 ONE IS TO CERTAINLY -- OUR PRIORITY IS TO GET OUR
19 FACILITY UP AND OPERATING, BUT OUR INFORMATION AND
20 STUDIES MAY BE OF ASSISTANCE TO YOU IN YOUR TASK
21 OF DEVELOPING THE NECESSARY REGULATORY FRAMEWORK
22 TO GOVERN ALL TIRE MONOFILLS.

23 AND I WANT TO BE CLEAR THAT WE'RE
24 NOT SEEKING ANY EXEMPTION, ANY EXCEPTION, ANY
25 DIFFERENCE IN TREATMENT. WE JUST FEEL LIKE WE

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1 HAVE AN EXCELLENT OPPORTUNITY HERE, IF WE LOOK AT
2 THE POSITIVE SIDE OF THE SITUATION, TO USE OUR
3 OPERATION IN CALAVERAS COUNTY TO WORK TOWARDS A
4 TIMELY DEVELOPMENT OF THESE REGULATIONS OR A
5 DECISION ON REGULATIONS, FEEL THAT DEFERRING TILL
6 JANUARY OF 1998 REALLY PLACES AN UNFAIR BURDEN ON
7 US.

8 HOWEVER, YOU HAVE A LOT TO DISCUSS
9 TODAY RELATIVE TO TIRE MONOFILLS IN ANOTHER ITEM;
10 BUT IF I MAY, I'D LIKE TO INTRODUCE JOEY TONY TO
11 GIVE JUST AN OVERVIEW OF WHAT'S GOING ON AT CAM.

12 MR. TONY: HELLO. MY NAME IS JOE TONY.
13 I'M THE OPERATIONS MANAGER AT CALIFORNIA ASBESTOS
14 MONOFILL. I'LL GIVE YOU THE QUICKEST EXPLANATION
15 OF WHO WE ARE THAT I CAN.

16 WE WERE FORMERLY THE NATION'S
17 LARGEST ASBESTOS MINE. IT RAN FROM 1962 THROUGH
18 DECEMBER OF '87, AT WHICH TIME IT SHUT DOWN, RAN
19 OUT OF ASBESTOS, AND COULD NO LONGER RETURN A
20 PROFIT. AS PART OF THE RECLAMATION PLAN FOR THE
21 MINE, WE LOOKED AT THE USE OF THE OPEN PIT AS A
22 LANDFILL. WE LOOKED AT A FEW DIFFERENT
23 WASTESTREAMS AND DECIDED THAT ASBESTOS WASTE WOULD
24 BE THE MOST APPROPRIATE.

25 SO WE MADE APPLICATIONS TO THE

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1 VARIOUS AGENCIES, INCLUDING YOUR OWN, AND DID
2 ACTUALLY TWO ENVIRONMENTAL IMPACT REPORTS. ONE OF
3 THE SIGNIFICANT FEATURES OF THE FIRST IS THAT ALL
4 HYDROLOGY AND GEOLOGY WAS DONE BY COUNTY RETAINED
5 CONSULTANTS. AND IT REALLY ISN'T GOOD PLANNING ON
6 OUR PART, I GUESS IT'S LUCK MORE THAN ANYTHING,
7 BUT SERPENTINE ROCK, WHICH IS THE HOST ROCK OF
8 ASBESTOS, THE MEASURED PERMEABILITY IN OUR PIT IS
9 ONE TIMES TEN TO THE MINUS SEVEN CENTIMETERS PER
10 SECOND, WHICH IS, AS I UNDERSTAND IT, IS A FANCY
11 WAY TO SAY IT DOESN'T LEAK. AND THE NARROWEST
12 BAND OF ROCK UNDERLYING THE PIT IS 1500 FEET
13 THICK. SO WE FELT PRETTY COMFORTABLE THAT NOTHING
14 WAS EVER GOING TO GET OUT OF THE THING.

15 THEN IN 1994 WE DID A SUPPLEMENT TO
16 OUR EIR BASICALLY TO AMEND THE OPERATING HOURS.
17 AND THEN MOST RECENTLY WE'VE MADE APPLICATION TO
18 THE COUNTY TO MODIFY OUR PERMIT TO ALLOW TIRES AS
19 ANOTHER WASTESTREAM INTO THE ASBESTOS FACILITY.

20 WE WENT THROUGH AN ADDITIONAL
21 ENVIRONMENTAL IMPACT REPORT PERIOD WITH THE MOST
22 RECENT REQUESTED CHANGE. THAT EIR AND/OR PERMIT
23 APPROVAL WAS BOTH BY THE PLANNING COMMISSION AS
24 WELL AS THE BOARD OF SUPERVISORS. AND WE NOW
HAVE

25 A PERMIT IN OUR HAND FROM OUR LEA TO ACCEPT
TIRES.

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1 AND THROUGH A SERIES OF -- I GUESS
2 ACTUALLY IT WOULD BE MY FAULT MORE THAN ANYONE,
3 BUT THROUGH A SERIES OF PERHAPS NOT UNDERSTANDING
4 CLEARLY HOW THE PROCESS WORKS, I UNDERSTAND NOW
5 THAT THE CONCERN IS THAT YOU WOULD LIKE TO DEVELOP
6 REGULATIONS FOR ASBESTOS -- RATHER TIRE MONOFILLS.
7 WE ARE ONE. HOWEVER, AS GEORGE MENTIONED, I DON'T
8 THINK IT'S QUITE FAIR, AFTER WE'VE DONE ALL THIS
9 WORK AND SPENT ALL THIS MONEY, TO HAVE TO BE
10 DELAYED FOR SUCH A STUDY.

11 NOW, THE THINGS THAT WE SPECIFICALLY
12 LOOKED AT IN OUR ENVIRONMENTAL DOCUMENTS, TIRE
13 FIRES MOST IMPORTANTLY. THERE HAVE BEEN TWO
14 EXPERIMENTAL ROAD SECTION FIRES UP NORTH. THERE'S
15 BEEN ALSO ONE RETAINING WALL EMBANKMENT UP NORTH,
16 WHICH ALL HAD WHAT WE REFER TO AS EXOTHERMIC
17 REACTIONS. IN ONE CASE, ONE OF THE ROADS,
18 ACTUALLY A FLAME ACTUALLY CAME OUT OF THE
19 PAVEMENT. SO OBVIOUSLY THAT'S SOMETHING TO
20 SERIOUSLY CONSIDER.

21 WHEN WE FIRST STARTED THIS PROCESS,
22 I LOOKED INTO THAT THOROUGHLY, FOUND OUT WHO THE
23 NATIONAL EXPERTS WERE, AND CALLED THEM UP AND
24 ASKED THEM IF THEY WOULD TAKE A LOOK AT WHAT WE
25 WERE PROPOSING. THE TWO MOST NOTED ARE DR. DANA

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1 HUMPHREY AND DR. JOSEPH ZELLABOR (PHONETIC).
2 HUMPHREY COULD DO OUR STUDY, BUT HE COULDN'T GET
3 TO IT FOR SEVERAL MONTHS, WHICH DIDN'T FIT OUR
4 TIME LINES, SO HE RECOMMENDED ZELLABOR. DR.
5 ZELLABOR AGREED TO DO THE STUDY, AND HE HAS DONE
6 THAT, AND THAT STUDY IS IN OUR ENVIRONMENTAL
7 IMPACT REPORT.

8 THE THINGS THAT HE SPECIFICALLY
9 LOOKED AT, AS WELL AS SOME OTHER CONSULTANTS, IS
10 OXIDATION OF STEEL, PYROLYSIS, LIMITING OXYGEN
11 ACCESS TO THE CELLS, LIMITING THE CELL SIZE.
12 IDEALLY YOU WOULDN'T WANT ANYTHING BIGGER THAN 20
13 FEET DEEP BY 50 FOOT WIDE BY 250 FEET LONG. TIRE
14 SIZE, HE WOULD LIKE EIGHTHS OR, PUT IN A DIFFERENT
15 WAY, 12 BY 12 SQUARES. THE BIGGER THE PIECES, THE
16 LESS CHANCE FOR HEAT CONDUCTION.

17 LIMIT CRUMB RUBBER TO THE FILL.
18 THAT SEEMS TO BE A COMMON THREAD IN ALL SITES THAT
19 HAVE DEVELOPED FIRES. LIMIT GENERALLY ANY WATER
20 ACCESS. USE INTERMEDIATE COVER. AND AS PART OF
21 THAT, WE ALSO NEED, OBVIOUSLY, A FIRE CONTROL
22 PLAN. AND THE MOST SIGNIFICANT THING OF ALL IS NO
23 ORGANIC MATTER.

24 NOW HAVING LOOKED AT ALL THOSE, HE
25 MADE RECOMMENDATIONS TO OUR COUNTY AS TO WHAT

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1 CONDITIONS MIGHT BE APPROPRIATE FOR A PERMIT. AND
2 THEY HAVE PUT EVERY ONE OF HIS RECOMMENDATIONS IN
3 OUR PERMIT AS A CONDITION. AND DR. ZELLABOR IS
4 WITH THE NATIONAL ACADEMY OF SCIENCES, AND HIS
5 WORK WAS PEER REVIEWED BY MICHAEL BLUMENTHAL OF
6 THE SCRAP TIRE MANAGEMENT COUNCIL, DR. DANA
7 HUMPHREY OF THE UNIVERSITY OF MAINE, AND DR.
8 BRADLEY WILLIAMSON, UNIVERSITY OF CALIFORNIA
9 BERKELEY.

10 OUR COUNTY BELIEVES, I BELIEVE, AND
11 MOST OTHER REGULATORY AGENCIES BELIEVE THAT WE'VE
12 DONE A PRETTY GOOD JOB IN THAT. AND THAT AS FAR
13 AS MITIGATING THE ENVIRONMENTAL PROBLEMS, WE'VE
14 DONE ABOUT EVERYTHING THAT YOU CAN DO.

15 ONE THING THAT SEEMS TO BE A COMMON
16 THREAD IN ALL SITES THAT HAVE HAD FIRES IS, ONE,
17 THEY USE SMALL CHIP SIZE, INCLUDING CRUMB RUBBER.
18 THEY HAVE AIR AND WATER ACCESS, AND IN ONE FORM OR
19 ANOTHER THEY HAVE ORGANIC MATTER.

20 AND AMONG THE KNOWLEDGEABLE PEOPLE,
21 THEY'RE STILL TRYING TO FIGURE OUT EXACTLY WHAT
22 CAUSES THAT EXOTHERMIC REACTION. FOR EXAMPLE,
23 OXIDATION OF STEEL CANNOT HEAT TO A TEMPERATURE
24 SUFFICIENT TO COMBUST TIRES. IF I WAS GOING TO
25 BET, I WOULD BET ON ORGANIC MATTER.

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1 AND THOSE ARE A COUPLE OF THE POINTS
2 THAT MAKES OUR SITE SO ATTRACTIVE FOR THIS. IT'S
3 A FORMER ASBESTOS MINE. IT'S DRILLED OR RATHER
4 IT'S EXCAVATED FROM SERPENTINE ROCK THAT DOESN'T
5 LEAK. WE HAVE VOLUMINOUS AMOUNTS OF COVER
6 MATERIAL ON SITE, WHICH IS ABOUT THE CONSISTENCY
7 OF SAND, AND WE'RE GOING TO USE THIS WHAT WE REFER
8 TO AS METAL TAILINGS AS PART OF THE CHIPPED TIRE
9 COVER.

10 THE TAILINGS HAS NO NUTRIENTS AND NO
11 ORGANIC MATTER OF ANY KIND. WE FEEL THAT'S AN
12 IDEAL MATCH. AND WE WOULD LIKE TO EXPEDITE OUR
13 PERMIT, AT LEAST, IN ANY WAY THAT WE CAN.

14 AND ONE FINAL THING I'D LIKE TO
15 SAY
16 IS THAT ASBESTOS MONOFILLS ARE NOT -- TIRE
17 MONOFILLS ARE NOT EQUAL. MANY OF THE TIRE
18 MONOFILLS I HEAR REFERRED TO AROUND THE STATE
19 AREN'T TIRE MONOFILLS AT ALL. FOR EXAMPLES, TWO
20 FIRES, ONE IN L.A. LANDFILL, AND THAT LANDFILL
21 IS
22 A MULTIPLE STREAM LANDFILL. IN PARTICULAR TIRE
23 CELLS THEY HAD FIRE PROBLEMS WITH WAS BUILT ATOP
24 AN MSW CELL. SO YOU GET THE GASES AND ALL THAT.

25 OTHER TIRE MONOFILLS THAT I'M
26 AWARE

24 OF, DR. ZELLABOR IDENTIFIED 13 IN ONE STATE, AND
25 THERE ARE OTHERS SCATTERED HERE, THERE, AND

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1 EVERYWHERE. AND OVERWHELMINGLY WHAT YOU SEE IS
2 THE FACT YOU CAN LIMIT THESE FACTORS THAT I
3 MENTIONED, YOU LIMIT THE CELL SIZE, PARTICULARLY
4 THE DEPTH, THAT THE FIRE PROBLEM DOESN'T OCCUR.

5 ONE OTHER AND, LASTLY, ONE OTHER
6 ASPECT OF THAT IS THAT AS WE DO THE CONSTRUCTION
7 FOR THIS, WE'RE GOING TO INSTALL THERMOCOUPERS SO
8 WE CAN KEEP AN EYE ON THE THING, MAKE SURE
9 EVERYTHING GOES WELL. AND WE LOOK FORWARD TO
10 WORKING WITH THE STAFF OR WHATEVER IT IS WE NEED
11 TO DO. WE WANT TO GET OUR PROJECT MOVING FORWARD.
12 THANK YOU.

13 CHAIRMAN FRAZEE: QUESTIONS?

14 MS. RICE: DEPENDING UPON YOUR DIRECTION
15 TODAY, COMMITTEE MEMBERS, WE VERY MUCH LOOK
16 FORWARD TO WORKING WITH THE REPRESENTATIVES OF
17 CALIFORNIA ASBESTOS MONOFILL, GIVEN THE
18 CONSIDERABLE RESEARCH AND EXPERTISE THEY CAN BRING
19 TO THE RULEMAKING PROCESS.

20 CHAIRMAN FRAZEE: I GUESS MY PRIMARY
21 CONCERN IS ONE OF TIME. IN PREPARING DRAFT
22 REGULATIONS, THEY WOULD NOT BE AVAILABLE FOR BOARD
23 APPROVAL UNTIL NOVEMBER OF '97. IS THAT --

24 MS. RICE: WHAT WE HAVE PUT IN THE ITEM
25 IS A SUGGESTED DRAFT SCHEDULE. AS WITH ANY

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1 REGULATIONS, WE WOULD PROCEED AS QUICKLY AS WE CAN
2 AND REALLY HAVE NO WAY OF KNOWING GOING INTO IT
3 WHAT KIND OF PUBLIC COMMENT WE'LL RECEIVE OR HOW
4 PROTRACTED THE PROCESS BECOMES, SO IT IS SIMPLY A
5 DRAFT IDEA OF OUR BEST GUESS OF HOW QUICKLY WE
6 COULD GET THIS BEFORE YOU. WE WOULD CERTAINLY DO
7 OUR BEST TO GET IT THERE AS QUICKLY AS POSSIBLE,
8 BUT SO MUCH IS DEPENDENT UPON WHAT PEOPLE'S
9 REACTION TO DRAFT LANGUAGE IS.

10 MEMBER JONES: MR. CHAIRMAN, I'VE GOT --
11 YOU KNOW, I'M WORRIED ABOUT THE SCIENCE. I
12 BROUGHT IT UP IN AN EARLIER ISSUE THAT WE DEALT
13 WITH BECAUSE, IN FACT, THERE HAVE BEEN A LOT OF
14 FIRES. AND NOBODY SEEMS TO KNOW EXACTLY WHAT
15 CAUSES IT.

16 AND ONE OF THE COMMENTS -- I THINK
17 IT'S REAL IMPORTANT THAT WE LOOK AT THIS AS AN
18 ISSUE OF THE PROCESS AND HOW WE'RE GOING TO GET
19 THROUGH. AND I THINK THAT THE USA PROJECT AND
20 OTHER PROJECTS ARE SPECIFIC, AND I THINK THAT, YOU
21 KNOW, ALL OF THESE MONOFILLS ARE GOING TO HAVE TO
22 BE PERFORMANCE BASED SET OF CRITERIA FOR EACH ONE
23 BECAUSE OF THE, YOU KNOW, HOW THEY ARE GOING TO BE
24 ENVELOPED, HOW THEY'RE GOING TO BE BUILT.
25 I THINK THAT MONOFILLS IN THE STATE

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1 OF CALIFORNIA DEALING WITH TIRES ARE GOING TO NEED
2 TO HAVE SITE SPECIFIC REQUIREMENTS FOR EACH ONE.
3 I DON'T THINK THAT THERE IS A BOILERPLATE THAT CAN
4 WORK FOR ALL MONOFILLS IN THE STATE OF CALIFORNIA.

5 THAT BEING SAID, YOU KNOW, WE'VE
6 HEARD ABOUT THE SCIENCE THAT HAS BEEN AVAILABLE TO
7 THEM. I DON'T KNOW IF OUR STAFF HAS ALL THAT
8 SCIENCE. I DON'T KNOW IF WE RECEIVED ALL THE
9 SCIENCE. I DON'T KNOW WHAT OTHER THINGS ARE OUT
10 THERE. I DO KNOW THAT I GET VERY NERVOUS WHEN I
11 SEE A 40-FOOT ROADWAY CATCH ON FIRE AND A 20-FOOT
12 ROADWAY CATCH ON FIRE BECAUSE OBVIOUSLY A LOT OF
13 THE CONCERNS WERE OVER DEPTH AND COMPACTION
14 RATIOS. AND THERE'S CONSIDERABLE DIFFERENCE
15 BETWEEN 20 AND 40 FEET, YET THEY BOTH CAUGHT ON
16 FIRE.

17 SO, YOU KNOW, WHAT THE FILL PATTERN
18 IS, WHAT THE COVER PATTERN, AND I THINK WE NEED TO
19 DEAL WITH THIS THROUGH A GUIDANCE DOCUMENT AND
20 WORK WITH THESE FOLKS AND GO THROUGH THE PROCESS.
21 AND I THINK THEY'VE HAD DISCUSSIONS WITH THE STAFF
22 AS TO HOW THEY CAN MOVE AND HOW WE COULD MOVE AT
23 THE SAME TIME, AND I THINK THAT'S BETWEEN THEM AND
24 THE STAFF. I THINK THAT IT FITS PERFECT WITH THE
25 GUIDANCE DEVELOPMENT SO THAT WE CAN ACCUMULATE

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1 THAT INFORMATION IN -- AS QUICKLY AS WE CAN.

2 I DON'T WANT -- YOU KNOW, I WOULD
3 HOPE THAT WE WOULD GET AS MUCH OF THAT INFORMATION
4 AS WE COULD SO THAT WHATEVER WE PUT OUT DEALS WITH
5 THESE ISSUES ON SITE SPECIFIC PERFORMANCE BASED
6 STANDARDS. AND WHILE THEY'LL TAKE A LITTLE MORE
7 TIME, I THINK THAT THE PROTECTION OF HEALTH AND
8 SAFETY AND THE OPERATOR ENDS UP BECOMING A LOT
9 MORE INSURED.

10 AND BY SAYING THAT, I THINK THAT
11 DISCUSSIONS WITH STAFF DOESN'T PRECLUDE THAT
12 RELATIONSHIP THAT YOU FOLKS HAD TALKED ABOUT IN
13 WORKING WITH STAFF AS THOSE THINGS ARE GUIDED, YOU
14 KNOW. SO I PERSONALLY, YOU KNOW, THINK WE OUGHT
15 TO DEVELOP THE GUIDANCE DOCUMENT AS WE GO ALONG TO
16 MAKE SURE WHAT WE PUT OUT THERE IS --

17 CHAIRMAN FRAZEE: IN LIEU OF REGULATIONS.

18 MEMBER JONES: DO THE GUIDANCE AND THEN
19 THE OUTCOME OF THE GUIDANCE WILL BE A SET OF
20 REGULATIONS BASED ON THE SCIENCE.

21 MS. RICE: SO IT'S THE STAFF
22 RECOMMENDATION, IN OTHER WORDS.

23 MEMBER JONES: I DON'T KNOW.

24 MS. RICE: I BELIEVE THAT WAS THE STAFF
25 RECOMMENDATION, YES.

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1 CHAIRMAN FRAZEE: THAT'S ACTUALLY
2 RECOMMENDATION NO. 3 -- 4. OKAY.

3 MEMBER RELIS: MR. CHAIR, I'LL -- IF IT'S
4 APPROPRIATE, I'LL MOVE RESOLUTION 97 --

5 CHAIRMAN FRAZEE: I DON'T THINK WE WANT
6 TO USE THE RESOLUTION, DO WE?

7 MS. RICE: AGAIN, I DON'T BELIEVE THIS
8 ITEM NEEDS TO GO TO THE BOARD SO EXCUSE THE
9 CONFUSION OF HAVING A RESOLUTION IN YOUR PACKET.
10 WE WERE JUST TRYING TO BE PREPARED. BUT MY
11 UNDERSTANDING IS WE WOULD OBTAIN YOUR GUIDANCE
12 TODAY CONSISTENT WITH ANY OTHER RULEMAKING EFFORT,
13 AND THEN WE WOULD PROCEED WITH DEVELOPMENT OF THE
14 GUIDANCE DOCUMENT AND INITIATING THE RULEMAKING
15 PROCESS, AND COME BACK TO YOU AT THE APPROPRIATE
16 TIMES DURING THAT RULEMAKING PROCESS.

17 MEMBER RELIS: I LIKE THAT LANGUAGE.
18 THAT'S THE MOTION.

19 MEMBER JONES: I'LL SECOND.

20 CHAIRMAN FRAZEE: WE HAVE A MOTION AND A
21 SECOND TO DIRECT STAFF TO DEVELOP A GUIDANCE
22 DOCUMENT FOR THE MONOFILLING OF TIRES AND THEN TO
23 DEVELOP DRAFT REGULATIONS FOLLOWING THAT.

24 MEMBER JONES: MR. CHAIRMAN.

25 CHAIRMAN FRAZEE: IS THAT STATED THE

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1 SAME?

2 MEMBER JONES: IN THE POLICY COMMITTEE,
3 WHEN WE WORKED ON THE TIRE ALLOCATIONS, WE
4 INCLUDED \$150,000 IN FUNDS TO HELP WORK ON THIS
5 ISSUE AS FAR AS THE SCIENCE PART GOES. SO THERE'S
6 BEEN DOLLARS ALLOCATED ONCE THAT BUDGET IS
7 APPROVED IN '97 DOLLARS TO SUPPORT THE SCIENCE AND
8 SUPPORT THAT WORK.

9 CHAIRMAN FRAZEE: OKAY. AND NOW WE HAVE
10 THE MOTION BEFORE US. IF THE SECRETARY WILL CALL
11 THE ROLL.

12 THE SECRETARY: BOARD MEMBER RELIS.

13 MEMBER RELIS: AYE.

14 THE SECRETARY: BOARD MEMBER JONES.

15 MEMBER JONES: AYE.

16 THE SECRETARY: CHAIRMAN FRAZEE.

17 CHAIRMAN FRAZEE: AYE. MOTION IS
18 CARRIED.

19 AND NOW WE LET'S TAKE A FIVE MINUTE
20 BREAK.

21 (RECESS TAKEN.)

22 CHAIRMAN FRAZEE: MEETING WILL COME TO
23 ORDER, PLEASE. WE ARE READY NOW TO PROCEED WITH
24 ITEM 7, THE CONSIDERATION OF THE STATUS OF A

MAJOR

25 WASTE TIRE FACILITY PERMIT FOR THE OXFORD

TIRE

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1 RECYCLING IN STANISLAUS COUNTY.

2 MS. RICE: THANK YOU, MR. CHAIRMAN.

3 GARTH ADAMS, ASSISTED BY TOM MICKA AND KEITH
4 CAMBRIDGE, WILL MAKE THE PRESENTATION FOR STAFF.
5 RICHARD CASTLE AS WELL, I'M SURE, WILL ASSIST.

6 MR. ADAMS: GOOD MORNING, MR. CHAIRMAN.

7 I THOUGHT I WOULD TOUCH A LITTLE BIT ON HOW WE
8 WOULD GO THROUGH THIS ITEM. AS YOU CAN TELL BY --
9 IN YOUR AGENDA PACKET, THE ITEM PRETTY WELL
10 ADDRESSES THE PERMIT CONDITIONS. WE START WITH
11 NO. 1 AND GO THROUGH, LOOKS LIKE, ABOUT 17. THOSE
12 ARE THE ITEMS THAT ARE EITHER COMPLIANCE ISSUES,
13 AND THE PERMIT IS ALSO ATTACHED IN THE BACK FOR
14 READY REFERENCE.

15 AND THE WAY THAT STAFF WILL BE DOING
16 THIS, MR. TOM MICKA WILL GO AHEAD AND START THE
17 PRESENTATION, AND MR. KEITH CAMBRIDGE WILL ASSIST
18 ON THE ITEMS THAT ARE DEALING WITH THE ENFORCEMENT
19 OF THE ITEM. AND I THINK, WITH THAT, WE CAN GO
20 AHEAD AND START.

21 MR. MICKA: GOOD MORNING, MR. CHAIRMAN
22 AND MEMBERS OF THE COMMITTEE. MY NAME IS TOM
23 MICKA. THE PURPOSE OF THIS PRESENTATION TODAY
IS
24 TO REVIEW THE STATUS OF OXFORD'S COMPLIANCE WITH

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1 YEAR OF OPERATION UNDER THIS PERMIT.

2 SOME OF OXFORD'S PERMIT TERMS DEAL
3 WITH DAY-TO-DAY OPERATION OF THE FACILITY WHILE
4 OTHER PERMIT TERMS DEAL WITH SUBMITTALS OR
5 MILESTONES THAT ARE ASSOCIATED WITH SPECIFIC
6 DATES.

7 I WILL BRIEFLY GO THROUGH THE PERMIT
8 TERMS THAT ARE LISTED IN THE AGENDA ITEM AND
9 INDICATE WHAT ACTIVITY HAS OCCURRED WITH EACH
10 TERM.

11 PERMIT TERM NO. 1 STATES THAT THE
12 DESIGN AND OPERATION OF THE FACILITY SHALL COMPLY
13 WITH BOTH THE WASTE TIRE STORAGE AND DISPOSAL
14 STANDARDS AND THE 1995 PD 91 FIRE PROTECTION
15 AGREEMENT.

16 MR. KEITH CAMBRIDGE OF THE
17 ENFORCEMENT SECTION WILL NOW COMMENT ON THE
18 COMPLIANCE WITH THIS TERM.

19 MR. CAMBRIDGE: GOOD MORNING, MR.
20 CHAIRMAN, MEMBERS OF THE COMMITTEE. MY NAME IS
21 KEITH CAMBRIDGE OF THE ENFORCEMENT BRANCH'S WASTE
22 TIRE UNIT.

23 TO GIVE YOU A BACKGROUND, ON
24 DECEMBER 12, 1996, ENFORCEMENT STAFF CONDUCTED A
25 STATE INSPECTION OF THE OTR FACILITY. AT THAT

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1 TIME WE FOUND TWO VIOLATIONS. AS MR. MICKA
2 MENTIONED, ONE OF THE VIOLATIONS CONSISTED OF
3 CONDITION 13 WHICH STATED THAT IN NO EVENT SHALL
4 ANY OF THE WASTE TIRES SOUTH OF PD 91 LEASEHOLD BE
5 MOVED TO THE PD 91 AREA WITHOUT THE PERMITTEE
6 FIRST NOTIFYING THE BOARD.

7 DURING THE DECEMBER INSPECTION,
8 ENFORCEMENT STAFF OBSERVED THAT APPROXIMATELY
9 ONE-HALF OF THE WASTE TIRES THAT WERE ORIGINALLY
10 LOCATED SOUTH OF PD 91, KNOWN AS MR. PHILBIN'S
11 WASTE TIRE PILE, HAD BEEN MOVED ONTO THE OTR SITE
12 PRIOR TO INFORMING THE BOARD.

13 IN CONJUNCTION WITH OUR INSPECTION,
14 WE ISSUED A LETTER OF VIOLATION DATED JANUARY 2,
15 1997, WHICH WAS MAILED TO OTR, REQUESTING THAT A
16 CORRECTIVE ACTION PLAN BE SUBMITTED BY JANUARY 31,
17 1997, WHICH ADDRESSED THIS VIOLATION.

18 ON THE 4TH OF FEBRUARY, ENFORCEMENT
19 BRANCH RECEIVED A CORRECTIVE PLAN FROM OTR, AND IN
20 THAT PLAN HE STATED THAT THE CONDITION 13, HE
21 WOULD NOTIFY THE BOARD IN ADVANCE OF THE FUTURE
22 DEADLINE; HOWEVER, HE WAS NOT REQUIRED TO OBTAIN
23 THE BOARD'S CONSENT PRIOR TO THE RELOCATION OF MR.
24 PHILBIN'S TIRES. BEING CONCERNED OF THIS, THE
25 MOVEMENT OF THE TIRES, WE CONDUCTED A SITE VISIT

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1 ON A MONTHLY BASIS OF OTR.

2 DURING THE FEBRUARY SITE VISIT, WE
3 HAD NOTICED THAT THE TIRES THAT HAD BEEN PUSHED
4 DOWN BY MR. PHILBIN HAD BLOCKED THE ACCESS ROAD
5 RUNNING IN A NORTH/SOUTH DIRECTION OF THE WESTERN
6 PORTION OF THE SITE. THIS INFORMATION WAS
7 IMMEDIATELY -- WE IMMEDIATELY NOTIFIED THE WEST
8 STANISLAUS COUNTY FIRE PROTECTION DISTRICT.

9 DURING THE MARCH 1997 PERMITTING AND
10 ENFORCEMENT COMMITTEE, WE BROUGHT THAT INFORMATION
11 TO YOU. AT THAT TIME THE OPERATOR STATED THAT
12 THESE TIRES WOULD BE REMOVED FROM THE SITE OR FROM
13 THAT ACCESS ROAD WITHIN A FEW DAYS. ON MARCH 25,
14 1997, ENFORCEMENT STAFF CONDUCTED A SITE VISIT OF
15 THE OTR PILE AND VERIFIED THAT, IN FACT, THESE
16 TIRES HAD BEEN REMOVED FROM THE ROAD. HOWEVER, ON
17 APRIL 10TH, WE CONDUCTED ANOTHER SITE VISIT. AND
18 SINCE THAT TIME, MR. PHILBIN HAD STARTED
19 RELOCATING HIS TIRES BACK TO THE OTR PILE, AND IT
20 WAS OBSERVED THAT THESE WASTE TIRES HAD, IN FACT,
21 BLOCKED THE ACCESS ROAD AGAIN.

22 IT IS UNKNOWN WHETHER OR NOT THESE
23 TIRES ARE REMOVED ON A NIGHTLY BASIS. I BELIEVE
24 IT WAS ABOUT THE SECOND DAY AS THESE TIRES HAD
25 STARTED BEING PUSHED DOWN FROM THE TOP OF THE

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1 HILL. WE AGAIN NOTIFIED THE WEST STANISLAUS FIRE
2 PROTECTION DISTRICT IMMEDIATELY OF OUR CONCERN
3 WITH THE ACCESS ROAD, AND THEY FELT THAT IT WAS
4 NOT THAT SUBSTANTIAL OF A RISK.

5 IF I CAN ANSWER ANY QUESTIONS.

6 MEMBER RELIS: YEAH. I'D LIKE TO, IF I
7 COULD, MR. CHAIR. THIS MOVEMENT OF TIRES BACK
8 INTO THE PILE FROM PHILBIN, HOW EXTENSIVE IS --
9 WHAT ARE WE TALKING ABOUT IN TERMS OF NUMBERS
10 ROUGHLY OF THE ACTIVITY GOING ON THERE?

11 MR. CAMBRIDGE: IT'S A SUBSTANTIAL
12 AMOUNT. THE FIRST TIME THAT WE WENT OUT THERE, HE
13 HAD REMOVED APPROXIMATELY ONE-HALF OF HIS TIRE
14 PILE, WHICH IS -- TOTAL IS APPROXIMATELY 7200
15 TONS. OF THAT HE REMOVED ABOUT 3600 TONS OF WASTE
16 TIRES ONTO THE PROPERTY.

17 MEMBER RELIS: UNDER WHAT AUTHORITY?
18 UNDER WHAT, HE JUST DID IT?

19 MR. CAMBRIDGE: WE GAVE MR. PHILBIN A
20 CHANCE -- AN OPPORTUNITY. HE ALSO WAS NOT PART OF
21 THE PERMITTED STORAGE FACILITY OF OTR. THEREFORE,
22 AS ENFORCEMENT, WE GIVE THEM TWO OPPORTUNITIES,
23 EITHER GET A PERMIT OR REMOVE THE TIRES. HE OPTED
24 TO REMOVE THE TIRES, AND HE OPTED TO TAKE THEM
25 DOWN TO OTR'S PILE. THIS IS NOT VIOLATING --

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1 MEMBER RELIS: TAKE THEM DOWN IS KIND OF
2 A GENEROUS WAY TO PUT IT. DOESN'T HE BULLDOZE
3 THEM DOWN?

4 MR. CAMBRIDGE: YES, TO BULLDOZE THEM
5 DOWN.

6 THIS DID NOT VIOLATE ANY OF OUR
7 STANDARDS BECAUSE HE WAS, IN FACT, TRANSPORTING
8 THEM TO A PERMITTED FACILITY. AND THE BOARD WAS
9 SOMEWHAT AWARE OF THAT. BECAUSE OF THE PERMIT
10 CONDITION DID STATE IF HE WAS TO MOVE THESE
TIRES,

11 MR. KIRKLAND NEEDED TO NOTIFY THE BOARD PRIOR TO
12 THE REMOVAL DOWN TO THAT LOCATION.

13 MEMBER RELIS: BUT, AGAIN, THIS STRIKES
14 ME AS BEING SOMEWHAT AN OUT-OF-CONTROL PROCESS.

I

15 MEAN HE PUSHES THEM OVER. OKAY. THEN HE
CONFORMS

16 WITH OUR NEED TO HAVE THEM GO TO A PERMITTED
17 FACILITY, BUT IN THE PROCESS CLOSES THE FIRE
18 ACCESS.

19 MR. CAMBRIDGE: IDEALLY, IT WOULD BE
NICE

20 TO HAVE HIM REMOVE THE TIRES EACH EVENING. THE
21 REALITY IS IF HE MOVED DOWN A CERTAIN PORTION OF
22 THE TIRES, THEY WOULD NOT ACTUALLY BLOCK THE

ROAD,

23 BUT HE PUSHES THEM DOWN TO A FURTHER POINT PAST

24 THE BOUNDARY IS THE WAY I SEE IT.

25 MEMBER RELIS: SO HE'S ALLOWED TO PUSH
OR

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1 HOWEVER HE -- I MEAN THAT IS NOT COMPLIANCE IN
MY
2 BOOK. THAT'S -- HE'S SHOVING THE STUFF DOWN,
3 CAUSING VIOLATIONS OF THE FIRE LANES. NOW,
MAYBE
4 THE FIRE DEPARTMENT, I'D LOVE TO HAVE THEM HERE
5 BECAUSE WE RAISED THAT QUESTION AT COMMITTEE
LAST
6 TIME, SAYING THIS WAS A VERY SERIOUS CONCERN.
AND
7 YOU ARE SAYING THAT THE FIRE DEPARTMENT IS NOT
TOO
8 CONCERNED ABOUT IT. HAVE THEY --
9 MR. CAMBRIDGE: WE NOTIFIED THE FIRE
10 DEPARTMENT, AND HIS STATEMENT BASICALLY WAS UP
TO
11 A COUPLE YEARS AGO THAT ACCESS ROAD WAS NOT
THERE.
12 THIS IS A NEWLY CREATED ACCESS ROAD IN THE LAST
13 COUPLE OF YEARS.
14 MEMBER RELIS: I'LL STOP THERE.
15 MR. MICKA: PERMIT TERM NO. 11 REQUIRES
16 THAT THE PERMITTEE SHALL AT A MINIMUM REDUCE THE
17 QUANTITY OF WASTE TIRES IN THE STOCKPILE BY 7500
18 TONS DURING THE FIRST YEAR OF OPERATION UNDER

THE

19 PERMIT.

20 PERMIT TERM 21 IS SIMILAR TO 11

WITH

21 THE EXCEPTION THAT PERMIT TERM NO. 21 SPECIFIES

A

22 MAXIMUM PERMITTED TONNAGE OF 6500 TONS ON APRIL

23 1ST, 1997.

24 MR. BILL KELLER OF OXFORD MET WITH

25 STAFF LAST WEEK AND PROVIDED DATA CONTAINING
WASTE

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1 TIRE INPUTS AND WITHDRAWALS TO THE STOCKPILE FOR
2 THE PAST YEAR. THE DATA PROVIDED INDICATES THAT
3 OXFORD HAS REDUCED THE SIZE OF THE STOCKPILE BY
4 APPROXIMATELY 5,133 TONS BETWEEN APRIL 1ST OF LAST
5 YEAR AND MARCH 31ST OF THIS YEAR.

6 THIS REPRESENTS A SHORTFALL OF 2,367
7 TONS IN MEETING THEIR 7500-TON REDUCTION
8 REQUIREMENTS IN PERMIT TERM NO. 11.

9 THE DATA ALSO INDICATES THAT THE
10 TOTAL QUANTITY OF WASTE TIRES IN THE STOCKPILE ON
11 APRIL 1 OF THIS YEAR WAS 72,175 TONS.

12 PERMIT TERM NO. 13, WHICH HAS
13 ALREADY BEEN ADDRESSED BY KEITH CAMBRIDGE
14 CONCERNING THE MOVEMENT OF THE PHILBIN TIRES.

15 PERMIT TERM NO. 15 STATES THAT THE
16 PERMITTEE SHALL SUBMIT A COMPLETE PLAN TO THE
17 BOARD NO LATER THAN 180 DAYS PRIOR TO SEPTEMBER 1,
18 1997, DESCRIBING HOW THE TOTAL SIZE OF THE
19 STOCKPILE SHALL BE REDUCED IN ACCORDANCE WITH
20 PERMIT TERM NO. 11. AS PART OF THE PLAN, THE
21 PERMITTEE SHALL ADJUST THE FINANCIAL ASSURANCE
22 DEMONSTRATION TO ACCOUNT FOR THE PORTION OF THE
23 WASTE TIRE STOCKPILE THAT WILL REMAIN ON
SEPTEMBER

24 1, 1997.

25 ON MARCH 5TH OXFORD SUBMITTED TO

THE

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1 BOARD A PLAN AS REQUIRED BY THIS PERMIT TERM.
2 STAFF IS STILL REVIEWING THIS PLAN AND WILL
3 COMMENT ON ITS ADEQUACY AT THE BOARD MEETING.

4 PERMIT TERM NO. 16 STATES THAT THE
5 PERMITTEE SHALL MAKE MONTHLY DEPOSITS OF \$15,000
6 TO THE APPROVED TRUST FUND BEGINNING MAY 1996.
7 THE TRUST FUND IS REQUIRED TO BE FULLY FUNDED BY
8 SEPTEMBER 1997. OXFORD'S MONTHLY DEPOSIT INTO
9 THEIR CLOSURE FUND HAS BEEN OCCURRING ON THE 15TH
10 OF EACH MONTH. OXFORD WAS IN COMPLIANCE WITH
11 THEIR FINANCIAL ASSURANCE REQUIREMENT AS OF LAST
12 MONTH.

13 PERMIT TERM NO. 17 STATES THAT THE
14 PERMITTEE SHALL REMOVE FROM THE FACILITY AND
15 PROPERLY DISPOSE OF WITHIN TEN DAYS OF RECEIPT ALL
16 OF THE OVERSIZED WASTE TIRES WHICH CANNOT BE
17 BURNED WHOLE BY MELP OR MODESTO ENERGY LIMITED
18 PARTNERSHIP.

19 AT THIS POINT I'D LIKE KEITH
20 CAMBRIDGE TO ELABORATE ON HIS INSPECTIONS OF THE
21 FACILITY WITH REGARD TO THIS PARTICULAR TERM.

22 MR. CAMBRIDGE: AGAIN, GOING BACK TO THE
23 DECEMBER 12, 1996, INSPECTION THAT WE CONDUCTED AT
24 OTR, THE OTHER VIOLATION THAT WE DID NOTE WAS THAT
25 THE -- DURING THE DECEMBER 1996 INSPECTION,

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1 ENFORCEMENT STAFF WERE INFORMED BY OTR PERSONNEL
2 THAT THEY HAD LAST REMOVED THESE TYPES OF OVERSIZE
3 TIRES FROM THEIR FACILITY APPROXIMATELY ONE YEAR
4 PRIOR TO OUR VISIT OR OUR INSPECTION.

5 OTR PERSONNEL EXPRESSED THEIR
6 CONCERN TO ENFORCEMENT STAFF THAT THERE WERE VERY
7 FEW PERMITTED LOCATIONS THAT THEY COULD TAKE THESE
8 TIRES TO AND THE COST OF THESE TIRES WAS
9 EXORBITANT. REVIEW OF THE RECORDS INDICATED THAT
10 APPROXIMATELY TWO TO THREE LARGE TIRES WERE
11 ACCEPTED EACH WEEK AT OTR.

12 AGAIN, LIKE I MENTIONED, THE LETTER
13 OF VIOLATION ADDRESSED THAT ISSUE ALSO, WHICH WAS
14 SENT OUT IN JANUARY, AND WE REQUESTED A CORRECTIVE
15 ACTION PLAN ON HOW HE, MR. KIRKLAND, WAS GOING TO
16 ADDRESS THAT ISSUE.

17 MR. KIRKLAND, ON THAT SAME LETTER
18 THAT HE HAD SUBMITTED BACK TO US, STATED THAT THE
19 LARGE TIRES THAT WERE RECEIVED AT OTR WOULD BE
20 SHREDDED AND LANDFILLED BY FEBRUARY 28, 1997.

21 DURING OUR MARCH AND APRIL SITE VISITS, WE
22 DOCUMENTED THAT APPROXIMATELY 146 TONS OF
23 OVERSIZED TIRES HAD BEEN REMOVED FROM THE OTR
SITE

24 BY TWO INDEPENDENT HAULERS SINCE APPROXIMATELY
25 MARCH 4TH, 1997.

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1 LATER A DOCUMENT PROVIDED BY OTR
HAS

2 INDICATED THAT SINCE APRIL 1996, 341 TONS OF
3 OVERSIZED TIRES HAVE BEEN ACCEPTED AT THE SITE,
4 191 TONS HAVE BEEN REMOVED, LEAVING APPROXIMATELY
5 150 TONS STILL REMAINING ON SITE.

6 MR. MICKA: THIS CONCLUDES STAFF
7 PRESENTATION. REPRESENTATIVES FROM OXFORD ARE
8 HERE TODAY. THANK YOU.

9 CHAIRMAN FRAZEE: I DO NOT HAVE SPEAKER
10 SLIPS FROM ANYONE FROM OXFORD.

11 MEMBER RELIS: BEFORE WE GO TO OXFORD, I
12 HAVE A COUPLE OF FURTHER QUESTIONS OF STAFF. IN
13 THE ACCOUNTING THAT YOU GAVE US FOR THE NUMBER OF
14 TIRES REMOVED ESTIMATED FROM THE TARGET UNDER THE
15 PERMIT, WE HAVE A SHORTFALL OF ROUGHLY 2,300
TONS.

16 MR. MICKA: CORRECT.

17 MEMBER RELIS: 2,360. WOULD THAT NUMBER
18 BE AFFECTED AT ALL BY THE PHILBIN TIRE SHOVING
19 DOWN INTO THE OXFORD TIRE PILE? DOES THAT
20 COMPLICATE OUR CALCULATIONS OR NOT?

21 MR. ADAMS: IT DOESN'T CHANGE THE
22 REDUCTION IN THE AMOUNT OF TIRES OFF THE PILE.
IT

23 BASICALLY WOULD CHANGE THE START DATE. I MEAN

THE

24 NUMBER WHERE YOU START ON THE PILE SIZE. AND

THEN

25 IF YOU ADD THEM BACK ON, YES, IT DOES IMPACT THE

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1 NUMBER OF TIRES IN THE REDUCTION. THAT WOULD
2 POTENTIALLY TAKE IT UP TO SOMEWHERE IN THE
3 NEIGHBORHOOD OF ABOUT 5900 TONS SHORT OR ABOUT 80
4 PERCENT.

5 CURRENTLY AS PRESENTED AND AS GONE
6 OVER FOR THIS EXERCISE HERE, THEY'RE ABOUT 30
7 PERCENT SHORT. RECOGNIZING THAT THE DATA THAT
8 WE'RE DEALING WITH RIGHT NOW IS SUBMITTED BY
9 OXFORD OVER THE PERIOD OF THE YEAR FOR THEIR
INPUT

10 AND BURN DATA BY MELP, TIRES BROUGHT IN BY
LAKIN

11 WERE BASICALLY SUBTRACTED OUT IN ORDER TO
ACCOUNT

12 FOR THAT -- YOU CAN'T COUNT THOSE AS A
REDUCTION

13 OFF THE PILE. SO, YES, IT DOES CHANGE THE
NUMBERS

14 A LITTLE, BUT DOESN'T CHANGE THE FACT THAT
SHORT

15 IS SHORT. IT JUST CHANGES HOW MUCH YOU'RE
SHORT.

16 CHAIRMAN FRAZEE: MARK KIRKLAND
17 REPRESENTING OXFORD.

18 MEMBER RELIS: WAIT. I THINK I'VE
GOT TO

19 EXPLORE THIS A MINUTE MORE. OKAY. YOU SAID
20 THERE'S 3600 TONS ROUGHLY, IF I HAVE THAT
RIGHT,
21 THAT WAS SHOVED FROM PHILBIN DOWN ONTO THE
OXFORD
22 PILE. AND THAT WE'RE -- WAIT. WHAT'S MY
NUMBER
23 HERE? -- 50 -- 2,360 TONS SHORT. I'M TRYING
TO
24 RECONCILE YOUR ARITHMETIC, BUT DOESN'T FIT MY
--
25 MR. ADAMS: 2367 PLUS 3600 IS ABOUT
5900.

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1 IRREGARDLESS -- IRREGARDLESS OF THE SHORTFALL.
2 THE SHORTFALL IS ACTUALLY CONSIDERABLY MORE THAN
3 THAT IF YOU GO OFF THIS PERMITTED CAPACITY ISSUE.
4 SO WE'RE CLOSER TO ABOUT 9,000 TONS THAT WE'VE
5 GROWN THE PILE.

6 IF YOU TAKE THE SHORTFALL OF THE
7 7500 OR HOWEVER YOU WANT TO DO THE MATH, WE'RE
8 STILL 7,175 TONS MORE ON THAT PILE THAN WHAT WE
9 WERE SUPPOSED TO BE -- THAN WHAT'S BEEN PERMITTED.

10 MR. ADAMS: FROM WHEN THE PERMIT WAS
11 ISSUED BACK A YEAR AGO AND WHEN THE SURVEY WAS
12 DONE OF THE SITE ABOUT A YEAR AND A HALF AGO, ALL
13 INDICATIONS ARE THAT THE PILE IS ABOUT THE SAME
14 SIZE FROM WHEN IT WAS ORIGINALLY DONE.
15 RECOGNIZING THAT THERE WAS ABOUT THREE MONTHS OF
16 SHUTDOWN OF MELP, WHICH THE PILE GREW, YOU KNOW,
17 SOMEWHERE IN THE NEIGHBORHOOD OF ABOUT A MILLION
18 THREE, MILLION FIVE, WHICH BOOSTED THE PILE WAY
19 UP, WHICH OBVIOUSLY IS GOING TO IMPACT THE
20 REDUCTIONS CONSIDERABLY OVERALL, YOU KNOW, THE
21 PILE IS CHANGING. BUT THAT INFLUX OF TIRES AT
22 THAT PERIOD DID NOT HELP THE OPERATOR MEET HIS
23 REDUCTIONS AT ALL.

24 MR. KIRKLAND: IF I MIGHT ADDRESS THE
25 ISSUE FOR A MOMENT, SIR.

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1 CHAIRMAN FRAZEE: OKAY.

2 MR. KIRKLAND: MR. CHAIRMAN AND MEMBERS
3 OF THE BOARD, WHAT WE'RE ADDRESSING IS THE 72,000
4 TONS, IF YOU LOOK AT THE MONITORS, AS THE BASELINE
5 INCLUDED BOTH THE PHILBIN TIRES AND THE MELP
6 TIRES. THEY WERE BOTH INCLUDED IN THAT 72,000-TON
7 FIGURE. SO WE'VE HAD TO REDUCE THE PILE BY THE
8 AMOUNT OF THE PHILBIN TIRES AND THE TIRES STORED
9 UPON THE MELP LEASEHOLD.

10 SO IF YOU LOOK AT IT ON THOSE TERMS,
11 IF YOU BACKED OUT THE PHILBIN TIRES AND BACKED OUT
12 THE MELP TIRES, WE WOULD BE VERY CLOSE TO THE 6500
13 TONS OR 65,000 TONS.

14 MS. RICE: HERE WE GET INTO AN AREA,
15 BOARD MEMBERS, WHERE I DON'T KNOW IF STAFF CAN
16 CLARIFY, BUT ONE OF THE ISSUES WE ENCOUNTERED IN
17 REVIEWING THE NUMBERS SUBMITTED BY OXFORD AND THE
18 NUMBERS WHICH OUR STAFF WERE ATTEMPTING TO WORK
19 FROM, WE HAD NOT INCLUDED, AS I UNDERSTAND
IT, THE

20 PHILBIN TIRES OR THE DELIVERY AREA IN THE
STARTING

21 NUMBER. WE DEALT WITH ONLY THE OXFORD
PILE, SO

22 OUR STARTING NUMBER IS DIFFERENT.

23 THAT IS WHY IN OUR

PRESENTATION WE

24 WERE HOPING TO TRY TO SIMPLIFY THINGS BY

FOCUSING

25 ON OUR ESTIMATED REDUCTION NUMBERS, WHICH
ARE

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1 ACTUALLY FAIRLY SIMILAR. BUT BECAUSE OUR
2 ASSUMPTIONS AND HOW WE ARRIVED AT THEM ARE
3 DIFFERENT, IT DOES GET RATHER COMPLICATED WALKING
4 THROUGH THE NUMBERS. SO MY UNDERSTANDING -- AND,
5 STAFF, PLEASE CORRECT ME -- IS THAT WHAT IS ON
6 YOUR MONITOR IS THE NUMBERS AS PROVIDED BY OXFORD
7 FOR THE INITIAL POINT AT WHICH THEY STARTED,
8 WHICH, AS YOU WILL NOTE, IS CONSIDERABLY HIGHER
9 THAN THE PERMITTED TONNAGE EVER ALLOWED BY THE
10 PERMIT, MEANING THE SEVENTY-TWO FIVE. SO THE
11 PERMIT THAT YOU ISSUED A YEAR AGO NEVER
12 ACKNOWLEDGED A CAPACITY OF THAT AMOUNT.

13 MR. ADAMS: CORRECT.

14 MR. KIRKLAND: THE NET RESULT IS THAT IF
15 YOU WILL LOOK AT THE MONTHLY PILE INVENTORY
16 CHANGE, IF YOU START AT THE MARCH OF A YEAR AGO AT
17 THE 77,309, FROM THE PEAK THAT WAS REACHED IN MAY
18 OF 85,000, WE'VE REDUCED THAT PILE BY 1.5 MILLION
19 TIRES.

20 AND I THINK THAT THE ISSUE IS THAT
21 WE'RE VERY CLOSE TO -- THE ACTUAL PILE HAS GONE
22 DOWN. NOW, WHETHER PHILBIN'S TIRES ARE INCLUDED
23 IN THERE, WHICH ACCORDING TO THE DISPUTE WE'RE
24 HAVING, WE BELIEVE THEY ARE, AND THE MELP TIRES
25 ARE INCLUDED IN THERE, I THINK THAT THE STATE'S

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1 GOAL IS TO REDUCE THE ACTUAL PILE, NOT SECTIONS OF
2 THE PILE, BUT THE ACTUAL ENTIRE TIRE PROBLEM.

3 AND IF I'M CORRECT ON THAT, THE
4 ACTUAL PILE HAS BEEN REDUCED BY, YOU KNOW, CLOSE
5 TO -- WELL, IN EXCESS OF HALF A MILLION TIRES.
6 NOW, WHETHER PHILBIN'S TIRES -- PHILBIN'S TIRES
7 ARE BEING ROLLED DOWN THE HILL. THEY'RE GOING
8 CLOSER AT HIS EXPENSE, NOT OURS, NOT YOURS.
9 THEY'RE BEING PUSHED CLOSER TO THE CONVEYOR BELT,
10 THE MELP FACILITY, OR WHATEVER FINAL SOLUTION WE
11 HAVE. AT HIS EXPENSE, HE'S TAKING CARE OF THAT.

12 I THINK IT -- IF I LOOK AT THE
13 PROBLEM GLOBALLY, THE WHOLE PILE IS GOING DOWN.
14 AND IF THE PEAK OF 85,000 TONS, ALMOST 86,000
15 TONS, IT'S DOWN A MILLION AND A HALF TIRES SINCE
16 THAT TIME.

17 SO IF YOU WILL LOOK AT THE MONTHLY
18 PILE INVENTORY CHANGE, YOU CAN SEE SINCE MAY OF
19 LAST YEAR WE HAVE BEEN AGGRESSIVELY REDUCING THAT
20 PILE AT ENORMOUS EXPENSE TO OURSELVES. BUT WE
21 HAVE BEEN IN AN ATTEMPT TO COMPLY WITH THIS
22 REDUCTION. AND I MIGHT ADD OUR SECOND YEAR
23 REDUCTION WILL ACTUALLY BE FEWER TIRES THAN WE
24 REDUCED IN THE FIRST YEAR.

25 SO WE'RE TRYING TO DEAL WITH THIS

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1 PROBABLY GLOBALLY. I MEAN SOMEBODY IS GOING TO
2 HAVE TO TAKE CARE OF THOSE TIRES AT SOME TIME.
3 WE'VE BEEN MAKING AGGRESSIVE EFFORTS AT THIS PILE.

4 DO YOU HAVE ANY QUESTIONS ABOUT
5 THIS -- WHAT'S ON YOUR MONITORS RIGHT HERE?

6 WHILE HE'S MAKING COPIES OF THAT, I
7 CAN PUT OUR STATUS REPORT. THIS IS -- THE TIRE
8 PILE IS ESTIMATED BY THE WASTE BOARD AND THE SIZE
9 OF THE PILE. AND IF YOU WILL LOOK THROUGH --
10 WELL, THE DATES THAT WE HAVE ON HERE DOESN'T QUITE
11 FIT. BUT IF YOU LOOK WHAT OUR REDUCTION HAS BEEN
12 AND WHAT OUR SCHEDULED REDUCTION IS, AND IF YOU
13 LOOK AT TIRES BURNED NON-OXFORD, THESE ARE TIRES
14 THAT ARE CURRENTLY COMING INTO THE FACILITY THAT
15 ARE NOT BEING BROUGHT IN BY US. WE'VE BEEN, AS I
16 SAID, AGGRESSIVELY REDUCING OUR INFLOW OF TIRES IN
17 AN ATTEMPT TO TAKE ADVANTAGE OF MELP BEING IN
18 OPERATION AND BURNING THIS TIRE PILE DOWN.

19 AND EFFECTIVELY IT'S REDUCING THE
20 PILE QUITE RAPIDLY. TIRES BURNED NON-OXFORD, WE
21 HAVE NO CONTROL OVER TIRES THAT ARE COMING IN FROM
22 THE OUTSIDE FROM OTHER SOURCES. BUT IF YOU WILL
23 LOOK AT OUR REDUCTION SCHEDULE THROUGH SEPTEMBER,
24 WE ANTICIPATE REDUCING THE PILE AN ADDITIONAL 1.1
25 MILLION TIRES THROUGH SEPTEMBER.

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1 DID YOU HAVE ANY QUESTIONS ON THAT?

2 MEMBER JONES: QUESTION. MR. CHAIRMAN, I
3 HAVE A QUESTION ON ONE OF THE VIOLATIONS WAS THAT
4 PHILBIN WAS MOVING ITS TIRES WITHOUT NOTIFICATION
5 TO THE WASTE BOARD.

6 MR. KIRKLAND: YES, SIR.

7 MEMBER JONES: AND AS I UNDERSTOOD THE
8 REPORT WAS THAT IT WAS THE CONTENTION OF OXFORD
9 THAT THEY DIDN'T NEED TO TELL THE WASTE BOARD.

10 MR. KIRKLAND: I DON'T BELIEVE THAT'S
11 TRUE.

12 MR. CAMBRIDGE: MR. JONES, IF I CAN
13 ELABORATE ON THAT. BASICALLY MR. KIRKLAND STATED
14 THAT HE DID NOT NEED THE CONSENT OF THE WASTE
15 BOARD TO MOVE THE TIRES DOWN THERE. THE PERMIT
16 CONDITION JUST STATES THAT HE MUST NOTIFY THE
17 BOARD PRIOR TO REMOVAL OF THE TIRES DOWN TO THAT
18 LOCATION.

19 MEMBER JONES: SO WE DIDN'T GET NOTIFIED.

20 MR. CAMBRIDGE: NO. WE DID NOT RECEIVE
21 NOTIFICATION PRIOR TO THE REMOVAL OF THE TIRES.

22 MEMBER JONES: AND OUR ORIGINAL ESTIMATE
23 OF THE TIRE PILE EXCLUDED THE PHILBIN TIRES.

24 MR. KIRKLAND: NO, IT INCLUDED THE
25 PHILBIN TIRES.

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1 MEMBER JONES: HOLD ON ONE SECOND.

2 GARTH.

3 MR. ADAMS: THE NUMBERS AS WE FIRST
4 STARTED THIS MORNING HAD THEM INCLUDED, BUT IT
5 SOUNDS LIKE WE'RE GETTING TO THE POINT WHERE WE'RE
6 GOING TO START BACKING THEM OUT. AND IF THAT'S
7 WHERE YOU GUYS WANT TO GO, WE CAN GO THERE.

8 MS. RICE: I BELIEVE THE QUESTION, GARTH,
9 WAS WHEN THE BOARD ISSUED THE PERMIT, DID THE
10 PERMITTED CAPACITY INCLUDE THE PHILBIN TIRES OR
11 NOT.

12 MR. ADAMS: NO, THEY DID NOT. THEY WERE
13 BACKED OUT AT THAT TIME.

14 MS. RICE: SO THE PERMIT BEFORE US THAT
15 YOU'RE REVIEWING DID NOT ANTICIPATE THE PHILBIN
16 TIRES BEING PART OF THE OVERALL SEVENTY-TWO FIVE
17 PERMITTED CAPACITY. THAT WAS OUR UNDERSTANDING OF
18 THE SIZE OF THE PILE MINUS THE PHILBIN TIRES.

19 MEMBER JONES: SO PROBABLY THE CONDITION
20 OF BEING NOTIFIED HAD SOME IMPORTANCE AS FAR AS
21 THE --

22 MR. ADAMS: WELL, THE IMPORTANCE WAS
23 GOING TO BE THE FACT THAT ADDITIONAL TIRES WOULD
24 BE ADDED ONTO THE PILE, HAVING TO ACCOUNT FOR THEM
25 IN THEIR FINANCIAL ASSURANCES TO DEAL WITH THE

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1 INFLOW OF HUNDREDS OF THOUSANDS OF TIRES IN ORDER
2 TO ACCOUNT FOR THEM, YES.

3 MS. RICE: ALSO, IN TERMS OF THE
4 PERMITTED CAPACITY, WHICH IS STATED IN THE PERMIT,
5 AND I'D BE INTERESTED IN ASKING MR. KIRKLAND HIS
6 UNDERSTANDING OF THE PERMITTED CAPACITY OF THE
7 FACILITY.

8 MR. KIRKLAND: MY UNDERSTANDING, FIRST OF
9 ALL, IS THAT YOUR CONSULTANT LAST YEAR GAVE YOU AN
10 ESTIMATED TOTAL TIRE PILE SIZE OF 72,000 TONS.
11 AND AS YOU CAN SEE, THAT'S WHERE WE STARTED. THAT
12 WAS WITHOUT BACKING OUT PHILBIN'S TIRES OR MELP'S
13 TIRES. THAT'S WHERE WE STARTED WITH 72,000 TONS.
14 AND IF YOU REVIEW YOUR CONSULTANT'S FIGURES, I
15 THINK YOU WILL FIND THAT THAT'S WHAT HE PUT IN
16 THERE. 72,000 TONS WAS THE ENTIRE PILE.

17 MS. RICE: RIGHT. AND YOUR PERMIT
18 REFLECTS THE SEVENTY-TWO FIVE. IT SOUNDS AS
19 THOUGH THERE MAY BE SOME MISUNDERSTANDING OVER
20 WHETHER OR NOT PHILBIN'S TIRES WERE INCLUDED OR
21 NOT. OUR INTENTION WAS THAT WHEN THE PERMIT WAS
22 ISSUED, IT DID NOT.

23 MR. KIRKLAND: THE RESULT WAS THAT THE
24 PERMIT DID INCLUDE THOSE BASED UPON THE NUMBERS
WE
25 RECEIVED FROM MR. TERRY GRAY.

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1 MS. RICE: AND I'M SAYING WE HAVE A
2 MISUNDERSTANDING ON THAT BECAUSE THAT IS NOT MY
3 UNDERSTANDING.

4 CHAIRMAN FRAZEE: MY RECOLLECTION OF
5 THAT, HE WAS VERY CLEAR FROM THE BEGINNING THAT
6 THOSE PHILBIN TIRES WERE OUTSIDE OF THE BOUNDARY
7 AREA AND THEY WERE NOT COUNTED, NOT CONSIDERED.

8 MR. ADAMS: WELL, I CAN GO THROUGH SOME
9 ITEMS THAT WERE IN THE JANUARY AGENDA ITEM,
10 DEMONSTRATING THAT THOSE TIRES WERE BACKED OUT FOR
11 THE PURPOSES OF THE PERMIT AND HOW WE GOT TO THE
12 SEVENTY-TWO FIVE, IF YOU WOULD LIKE.

13 THE ORIGINAL SURVEY HAD THE WHOLE
14 PILE AT 72,000 TONS, AND IT HAD MR. PHILBIN'S
15 TIRES AT 7200 TONS, WHICH IS THE AREA JUST OUTSIDE
16 OF PD 91. THOSE WERE SUBTRACTED OUT, WHICH LEFT
17 64,800 TONS. THE TIRE DELIVERY AREA AT THAT TIME
18 WAS 4300 TONS IN THE SURVEY. THOSE WERE ALSO
19 BACKED OUT FOR THE PURPOSES OF THIS PERMIT. THAT
20 LEFT 60,500 TONS.

21 FOR THE PERIOD OF TIME, THE THREE
22 MONTHS THAT OXFORD OR MELP WAS DOWN, THERE WAS
23 GOING TO BE A MAJOR INFLOW OF TIRES FOR THOSE
24 THREE MONTHS. WE HAD CALCULATED THAT AT
25 APPROXIMATELY 400,000 TONS PER MONTH FOR A TOTAL

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1 OF 12,000 TONS. YOU ADD 12,000 TONS TO 60,500
2 TONS, YOU GET TO 72,500 TONS, WHICH IS THE
3 PERMITTED CAPACITY IN THE PERMIT.

4 AS YOU CAN SEE BY THE DATA, THAT THE
5 TONNAGE THAT WE HAD ADDED IN DURING THE MELP
6 SHUTDOWN WAS PROBABLY A LITTLE BIT MORE GENEROUS
7 FOR MR. KIRKLAND AND OXFORD BECAUSE WE TOOK IT OFF
8 OF HISTORICAL DATA OVER THE YEARS AS TO TRYING TO
9 FIGURE OUT WHAT THE TONNAGE WOULD BE FOR THOSE
10 THREE MONTHS. AND AS I LOOK AT MY NUMBERS HERE,
11 WE'VE GOT 4,000 -- I'M SORRY -- 425,971, 434,000,
12 458,000. SO WE CALCULATED AT ABOUT 400,000, AND
13 THESE WOULD BE ACTUAL NUMBERS. OURS WERE
14 PROJECTIONS BASED ON HISTORICAL DATA FOR THE SITE.

15 MR. KIRKLAND: IF I COULD POINT OUT, IF
16 YOU LOOK AT THE MARCH 1996 NUMBER OF 77,309 AND IF
17 YOU BACK OUT THE PHILBIN TIRES AT THAT POINT, WE
18 WOULD BE BELOW 65,000 TONS AS OF MARCH 1997.

19 MEMBER RELIS: SEEMS TO BE A PRETTY
20 FUNDAMENTAL DIFFERENCE OF APPROACHES HERE. AND

I

21 DON'T KNOW ABOUT OTHER COMMITTEE MEMBERS, BUT

I'D

22 RATHER NOT SIT HERE AND TRY AND UNSCRAMBLE THESE
23 NUMBERS WITHOUT SEEING WHAT GARTH HAS, YOU KNOW,
24 GETTING THAT ALL LAID OUT. I DON'T KNOW WHAT

OUR
25

CHAIR WISHES TO DO WITH THIS AT THIS POINT, BUT

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1 IT'S PRESENTED TO US TODAY AS A CONSIDERATION OF
2 THE STATUS, CORRECT?

3 MS. RICE: CORRECT. WE WERE PRESENTING
4 INFORMATION THAT WE HAD BEEN ABLE TO COMPILE TO
5 DATE ON COMPLIANCE WITH THE VARIOUS TERMS AND
6 CONDITIONS OF THE PERMIT. SOME OF THIS
7 INFORMATION CAME IN VERY LATE TO US. I UNDERSTAND
8 WE MET WITH REPRESENTATIVES OF OXFORD ON FRIDAY
9 AND WENT THROUGH THESE NUMBERS, SO THIS IS NEW TO
10 US AS IT IS NEW TO YOU, WHICH IS WHY WE HAD
11 ATTEMPTED AGAIN TO SIMPLIFY IT BY FOCUSING ON THE
12 BOTTOM LINE, WHICH APPEARS TO BE FAIRLY CLOSE IN
13 BOTH OUR RECONCILIATIONS OF THE NUMBERS. WHERE WE
14 DIFFER IS ON APPROACH TO THOSE NUMBERS. WHAT IS
15 THE PERMITTED CAPACITY? WHAT IS YOUR START
16 TONNAGE? AND THOSE ARE THINGS WE HAVE NOT HAD
17 TIME TO WORK THROUGH WITH THE OPERATOR AND COULD
18 CERTAINLY USE SOME ADDITIONAL TIME CLEARLY FOR
19 FURTHER CONVERSATIONS TO RECONCILE THE NUMBERS
20 BETTER AND PROVIDE THEM IN A DISPLAY THAT MAYBE
21 HAS FEWER NUMBERS AND IS EASIER TO TRACK.

22 I KNOW THERE'S A LOT OF NUMBERS ON
23 THE TABLE, AND IT'S BEEN VERY HARD FOR US TO
24 FOLLOW. WHEN STAFF PRESENTED THIS TO ME LAST
25 NIGHT, I HAD TROUBLE UNDERSTANDING IT AND I SAID

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1 LET'S FOCUS ON THE BOTTOM LINE IN TERMS OF
2 PRESENTATION TO THE COMMITTEE. THAT MAY HAVE BEEN
3 OVERSIMPLIFYING MATTERS, BUT THERE ARE AN AWFUL
4 LOT OF NUMBERS HERE AND THEY'RE HARD TO EXPLAIN
5 WHY THEY'RE DIFFERENT. WE CAN CERTAINLY WORK ON
6 CLEARING THAT UP FOR THE BOARD MEETING SO THAT IT
7 IS MORE CLEAR WHY THEY ARE DIFFERENT AND WHAT OUR
8 RATIONALE WAS FOR HOW WE PRESENTED THEM.

9 MR. KIRKLAND: IF I MIGHT, MR. CHAIRMAN,
10 WE'RE LOOKING AT THE PILE AS AN ENTIRE PILE.
11 WE'RE LOOKING AT EVERY TIRE ON THAT SITE AS A
12 PROBLEM THAT NEEDS TO BE DEALT WITH.

13 IF YOU'LL LOOK FROM THE TIME WE
14 RECEIVED OUR PERMIT IN MAY UNTIL MARCH OF THIS
15 YEAR, WE REDUCED THAT PILE IN EXCESS OF A MILLION
16 TIRES. SO DURING THE TIME OF THE PERMIT, YOU
17 KNOW, I GUESS WHAT I'M SAYING IS IF WE WANT TO
18 TAKE A COMMON SENSICAL APPROACH, THE PILE HAS BEEN
19 REDUCED PRETTY AGGRESSIVELY. AND, YOU KNOW,
20 ENTIRELY AT THE EXPENSE OF OXFORD AND MELP. AND
21 IT IS -- WE ARE CONTINUING TO WORK IN THAT
22 DIRECTION. SO WHAT I'M TRYING TO SAY IS HOPEFULLY
23 WE ARE HEADED IN THE RIGHT DIRECTION.

24 CHAIRMAN FRAZEE: YOU KNOW, IT'S PROBABLY
25 NOT WITHIN THE REALM OF OUR REGULATORY AUTHORITY,

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1 BUT YOU STATE YOU CONTINUE TO MOVE IN THAT
2 DIRECTION, BUT I UNDERSTAND THAT YOU NOW HAVE AN
3 OBLIGATION TO MELP OF SOMETHING IN EXCESS OF
4 THREE-QUARTERS OF A MILLION DOLLARS THAT HAS NOT
5 BEEN PAID.

6 MR. KIRKLAND: I'M NOT SURE WHAT THAT HAS
7 TO DO WITH THE REDUCTION OF THE PILE, SIR.

8 MEMBER JONES: THAT'S WHAT HE SAID.

9 CHAIRMAN FRAZEE: I PREFACED MY STATEMENT
10 WITH THAT, BUT IT SORT OF GIVES A FEELING FOR YOUR
11 STATEMENT THAT YOU'RE MOVING AGGRESSIVELY. AND
12 IT'S MY CONTENTION THAT THAT PILE IS NOT BEING
13 REDUCED BY YOUR VOLITION. IT'S BEING REDUCED BY
14 MELP TAKING TIRES OFF OF THAT PILE BECAUSE THEY'RE
15 NOT GETTING PAID FOR THEM.

16 MR. KIRKLAND: MR. FRAZEE, TO REDUCE THE
17 PILE A MILLION AND A HALF TIRES IN THE LAST TEN
18 MONTHS, IF I HAD THE MONEY THAT IT COST ME TO DO
19 THAT, PLUS THE MONEY OF MY FINANCIAL ASSURANCE,
20 MELP WOULD HAVE BEEN PAID. SO TO COMPLY WITH THE
21 PERMIT CONDITIONS IS WHAT HAS FORCED THIS
22 POSITION.

23 CHAIRMAN FRAZEE: WELL, YOU KNOW, IT'S MY
24 CONTENTION THAT YOU OF YOUR VOLITION HAVE NOT
25 REDUCED THE PILE. MELP HAS REDUCED THE PILE. I

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1 WOULD CONTEND THAT THAT IN ITSELF IS A VIOLATION
2 OF THE CONDITION AND ENOUGH OF A VIOLATION TO
3 CAUSE US TO EXERCISE THE BOARD'S RIGHTS UNDER THE
4 PERMIT.

5 MR. KIRKLAND: AS I SAID, WE HAVE -- WE
6 HAVE AT OUR EXPENSE BEEN TAKING TIRES TO OTHER
7 LOCATIONS. AND NOW THAT COST MONEY. THERE'S NOT
8 ENOUGH MONEY TO PAY WHOEVER WE CONTRACT WITH TO
9 DISPOSE OF OUR TIRES AWAY FROM WESTLEY, AWAY FROM
10 THAT FACILITY, AND PAY MELP FOR TIRES COMING OFF
11 THE PILE AND PAY FOR FINANCIAL ASSURANCE. THERE'S
12 A LIMITED NUMBER OF PENNIES ON EVERY TIRE AND
13 THERE'S NOT ENOUGH TO PAY EVERYBODY.

14 CHAIRMAN FRAZEE: I APPRECIATE THAT, BUT
15 I HOPE YOU CAN APPRECIATE THE FACT THAT I, FOR ONE
16 MEMBER OF THIS BOARD, DON'T HAVE A LOT OF FAITH
17 THAT THIS IS GOING TO CONTINUE. IT LOOKS LIKE
18 YOU'RE DIGGING YOURSELF IN A DEEPER AND DEEPER
19 HOLE, AND ULTIMATELY WE'RE GOING TO HAVE TO
20 EXERCISE OUR RIGHTS WITHIN THE PERMIT AND BE THE
21 PROUD OWNER OF A TIRE PILE.

22 MR. KIRKLAND: WOULD YOU RATHER OWN IT
23 TODAY OR IN A FEW MONTHS WHEN IT HAS FEWER TIRES
24 IN IT? IF THAT'S YOUR APPROACH. I DON'T

BELIEVE

25 THAT, YOU KNOW, WITH SOME COOPERATION BY ALL

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1 PARTIES, THAT THE STATE WILL EVER HAVE TO HAVE
2 THAT TIRE PILE. I CERTAINLY HAVE GROWN WEARY OF
3 THE TIRE PILE. AND IF SOMEBODY ELSE WANTS TO
4 SHOULDER THAT RESPONSIBILITY, THEY'RE WELCOME.
5 LET'S WORK A DEAL.

6 BUT AS A CONTINUING OPERATOR OF THAT
7 PILE AND CONTINUING TO REDUCE THE TIRES IN IT, I
8 DO THINK THAT ANYBODY WHO'S SEEN THE PILE OF LATE
9 AND ANYBODY WHO LOOKS AT OUR NUMBERS, WHICH, YOU
10 KNOW, WE HAVEN'T TRIED TO -- YOU KNOW, WE'RE NOT
11 LYING TO ANYBODY ON OUR NUMBERS. WE'RE SHOWING
12 YOU EXACTLY WHERE THEY ARE. WE ARE REDUCING THE
13 PILE. WHETHER THAT -- OUR CONTRACT WITH MELP,
14 WHETHER THEY'RE GOING TO BE PAID OR NOT ASIDE, THE
15 TIRES ARE BEING REDUCED, AND WE WOULD LIKE TO
16 CONTINUE TO DO THAT.

17 MEMBER JONES: MR. CHAIRMAN, MR. KIRKLAND
18 SAYS THAT THE ISSUE OF HIS FINANCIAL ASSURANCES
19 AND PAYING FOR DISPOSAL IN OTHER SPOTS IS CAUSING
20 A PROBLEM, BUT I SEE THAT AS A BUSINESS ISSUE THAT
21 YOU GOT INTO WHEN YOU DID A PROSPECTUS OF WHAT
22 THIS BUSINESS OFFERED YOU AS FAR AS WHY YOU WOULD
23 BUY IT. SO I DON'T THINK THAT'S AN ISSUE FOR THIS
24 BOARD. THE FACTS ARE THAT YOU NEED TO HAVE
25 FINANCIAL ASSURANCES IN PLACE AS PART OF THAT -- I

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1 MEAN THAT HAD TO BE A KNOWN DURING YOUR DUE
2 DILIGENCE.

3 WHAT I AM CURIOUS ABOUT IS THE TIRE
4 DELIVERIES IN SHORT OF THE DATE CERTAIN, WHICH WAS
5 WHATEVER THE DATE WAS, GARTH, WHERE WERE THE
6 TIRES? WERE THE TIRES COMING IN CONTINUALLY
7 DURING THAT, OR DO WE HAVE A BUNCH OF TIRES STORED
8 IN TRAILERS ALL OVER THE VALLEY WAITING TO GET
9 THROUGH THIS DATE AND BRING THEM IN SO THAT THIS
10 TIRE PILE EVEN GROWS MORE.

11 MR. KIRKLAND: WE'VE BEEN TAKING OUR
12 TIRES TO WINBURY ENVIRONMENTAL, THE BULK OF OUR
13 TIRES. WE'VE TAKEN SOME TIRES TO CALAVERAS
14 CEMENT, WE'VE TAKEN A FEW TIRES TO MITSUBISHI
15 CEMENT, BUT OUR TIRES HAVE BEEN GOING TO -- THE
16 BULK OF THEM HAVE BEEN GOING TO WINBURY
17 ENVIRONMENTAL, WHICH IS AN APPROVED DISPOSER OF
18 THESE TIRES. SO WE DON'T HAVE -- OUR BUSINESS
19 DOES NOT ALLOW US TO STORE TIRES IN OUR TRAILERS.
20 WE NEED OUR TRAILERS TO COLLECT TIRES AND GENERATE
21 REVENUE.

22 MEMBER JONES: REVENUE TO PAY THE
23 DISPOSAL FEES AND FINANCIAL ASSURANCES AND THE
24 LABOR. THERE YOU GO.
25 THIS IS VERY TROUBLING FOR ME

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1 BECAUSE THE VIOLATIONS -- I MEAN I HAVE A PROBLEM
2 WITH TALKING ABOUT THE NUMBERS AND SAYING THAT
3 THOSE ARE PHILBIN'S TIRES. AND YET WHEN THE WASTE
4 BOARD STAFF NOTED VIOLATION THAT YOU HADN'T
5 CONTACTED US, I THINK IT WAS CLEAR THAT THE
6 EXPLANATION WAS, WELL, I HAVE TO NOTIFY YOU, BUT I
7 DON'T HAVE TO GET YOUR CONCURRENCE. SO, IN
8 EFFECT, THAT TIRE PILE GREW AT YOUR -- WITH YOUR
9 INSISTENCE OR WITH YOUR BLESSING THAT PHILBIN'S
10 TIRES WENT IN THAT TIRE PILE.

11 SO I THINK THAT USING THE ARGUMENT
12 THAT SOME OF THOSE TIRES ARE PHILBIN'S DOESN'T
13 HOLD A LOT OF WATER WHEN OUR STAFF SAID YOU DIDN'T
14 NOTIFY US. AND YOU SAID, WELL, WE DIDN'T HAVE TO.
15 I MEAN WE JUST HAD TO TELL YOU; WE DIDN'T HAVE TO
16 GET YOUR BLESSING, SO WE JUST GREW THE TIRE PILE
17 SOME MORE. I KEEP LOOKING AT THE SIZE OF THIS
18 TIRE PILE, I KEEP LOOKING AT THE TOTAL NUMBERS,
19 WHETHER THEY'RE YOUR NUMBERS, OUR NUMBERS,
20 WHATEVER, AND, YOU KNOW, NUMBERS ARE ALWAYS A FUN
21 THING TO DEAL WITH, DEPENDING UPON WHAT POINT OF
22 VIEW YOU WANT TO HAVE. I THINK THAT IT'S VERY
23 CLEAR THAT THE CONDITIONS OF THE PERMIT HAVE
NOT
24 BEEN MET. DO YOU AGREE WITH THAT?

25

MR. KIRKLAND: NO, I DON'T SIR.

82

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1 MEMBER JONES: OKAY. YOU THINK YOU'VE
2 MET THE REDUCTION CRITERIA OF THE PERMIT?

3 MR. KIRKLAND: I THINK THAT WE'VE MADE
4 EVERY EFFORT, AND I DO BELIEVE THAT WE ARE VERY
5 CLOSE.

6 MEMBER JONES: THAT'S NOT MY QUESTION. I
7 KNOW YOU MADE EVERY EFFORT. I COMMEND YOU FOR
8 MAKING EVERY EFFORT. DID YOU MEET THE NUMBER?

9 MR. KIRKLAND: NO, SIR.

10 MEMBER JONES: DID YOU NOTIFY THE
11 BOARD --

12 MR. KIRKLAND: NO, SIR.

13 MEMBER JONES: -- WHEN YOU WERE PULLING
14 PHILBIN'S?

15 MR. KIRKLAND: NO, SIR. I WASN'T PULLING
16 PHILBIN'S. IF IT'S ANY CONSOLATION, PHILBIN
17 DIDN'T NOTIFY ME. YOU KNOW, HE STARTED PUSHING
18 THOSE TIRES DOWN. NOW, MY MISTAKE WAS NOT TO
19 NOTIFY THE BOARD IN A TIMELY MANNER. BUT IT WAS
20 NOT -- I HAD NOTHING TO DO WITH HIM STARTING TO
21 PUSH THOSE TIRES DOWN. FRANKLY, AN IMAGINARY LINE
22 ACROSS A PILE OF TIRES IS JUST NONSENSE TO ME.
23 WE'RE DEALING WITH AN ENTIRE PILE HERE. WE'RE
24 DEALING WITH THE WHOLE PROBLEM.

25 MEMBER JONES: I UNDERSTAND WHAT WE'RE

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1 DEALING WITH. WE ALSO AT THE COMMITTEE MEETING,
2 WE HAD ASKED THAT THE FIRE LANES WERE DONE. AND
3 STAFF SAID THAT YOU HAD, IN FACT, CLEARED THAT
4 FIRE LANE WITHIN A MATTER OF DAYS, WHICH I
5 APPRECIATE. THE NEXT DAY THEY WALKED OUT IT WAS
6 FULL OF TIRES AGAIN, NOT BY YOU, BUT BY MR.
7 PHILBIN. SO I THINK THERE'S A REAL ISSUE THERE AS
8 FAR AS THE HEALTH AND SAFETY GOES, AND THE PEOPLE
9 OF CALIFORNIA AND STANISLAUS COUNTY, THAT IF WE
10 DON'T HAVE ACCESS TO GET INTO AN AREA, OBVIOUSLY
11 WE HAVE A REAL PROBLEM.

12 AND I MEAN I'M A LOT MORE CONCERNED
13 THAN MAYBE THE FIRE MARSHAL, BUT HOPEFULLY I'M
14 NOT. YOU KNOW, IT AMAZES ME THAT THOSE TIRES
15 COULD BE IN THERE AND WE HAVE NO ACCESS TO TAKE
16 CARE OF A POTENTIAL PROBLEM THAT IS GROWING. I
17 MEAN WE SAY THE TIRE PILE IS DOWN A MILLION AND A
18 HALF TIRES FROM WHAT IT WAS. THAT, IN FACT, IS
19 THREE MONTHS' BURN FROM MELP.

20 MR. KIRKLAND: THAT'S CORRECT.

21 MEMBER JONES: THAT'S -- THE BOTTOM LINE
22 IS THAT THE TIRE PILE WENT DOWN THE EQUIVALENT OF
23 THREE MONTHS' BURN, AND THE THREE MONTHS THAT THEY
24 WERE OFF, YOU KNOW, SO THAT'S SIX MONTHS, SEVEN
25 MONTHS, YOU KNOW, THE TIRE PILE GREW. IN SIX

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1 MONTHS THE TIRE PILE GREW. SO, YOU KNOW, THE
2 MILLION AND A HALF IS STRICTLY JUST THREE MONTHS'
3 BURN. SO WE HAVEN'T REALLY DONE ANYTHING. WE'RE
4 SPITTING IN THE WIND HERE.

5 MEMBER RELIS: MR. CHAIR, IN LIGHT OF
6 BOTH YOUR PREVIOUS COMMENTS, I'M INTERESTED IN
7 MAYBE LOOKING TO MR. CHANDLER FOR -- WE HAVE
THIS

8 AS, AGAIN, AS A STATUS REPORT BEFORE US. WE
9 CLEARLY HAVE SOME ISSUES ABOUT THE PERMIT AND IT
10 APPARENTLY HAS NOT BEEN MET AT LEAST IN A
11 TECHNICAL SENSE.

12 DO YOU HAVE ANY SUGGESTED
DIRECTION

13 BETWEEN -- I'M LOOKING TO, YOU KNOW, EITHER TO
THE

14 BOARD MEETING, OR ARE THERE DISCUSSIONS UNDER
WAY

15 THAT WOULD GIVE US SOME DIRECTION SHORTLY AS TO
16 OUR OPTIONS HERE VIS-A-VIS BRINGING THIS PILE
DOWN

17 AND GETTING ON WITH THE COMPLIANCE?

18 MR. CHANDLER: YEAH. LET ME SPEAK A
19 LITTLE BIT TO THAT. I REALLY SAW TODAY'S
20 PRESENTATION TO BE MORE ONE IN WHICH, HOPEFULLY,
21 MR. KIRKLAND COULD COME FORWARD AND SPEAK TO THE

22 STATUS OF THE PERMIT. AND, AS MS. RICE JUST
23 INDICATED, WE HAD THE AVAILABILITY OF HIS
NUMBERS

24 AS LATE AS FRIDAY WHERE WE SAT DOWN AND REVIEWED
25 ONE ASPECT OF THE PERMIT, AND THAT WAS THE TIRE

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1 PILE REDUCTION.

2 I THINK THERE'S THREE KIND OF
3 FUNDAMENTAL AREAS IF I COULD GROUP THEM THAT WE
4 NEED TO BE CONCERNED ABOUT OR COGNIZANT OF AS WE
5 REVIEW THE PERMIT. ONE IS, AS YOU MENTIONED, MR.
6 RELIS, THE HEALTH AND SAFETY ISSUES. WE SEEM TO
7 STILL HAVE SOME CONCERNS WITH RESPECT TO THE
8 HEALTH AND SAFETY ISSUES AS IT RELATES TO THE FIRE
9 LANE ACCESS TO THE PILE AND THE ONGOING CLEARING
10 OF THOSE LANES, BUT THEN THE SUBSEQUENT ADDITION
11 OF TIRES RIGHT BACK INTO THOSE LANES.

12 WE HAVE THE TIRE PILE REDUCTION, AND
13 FOR, MR. JONES, YOU WEREN'T PART OF THE BOARD'S
14 NEGOTIATIONS WHEN WE ISSUED THIS PERMIT A YEAR
15 AGO. FOR THOSE THAT WERE ON THE BOARD, YOU WILL
16 RECALL THAT WE HAD AN ESTIMATE OF ABOUT 72,000
17 TONS. AND THE BOARD AT ONE TIME CONSIDERED FOUR
18 EQUAL INCREMENTS, AND WE WERE DEBATING 18,000 IN
19 FOUR SUBSEQUENT REDUCTIONS PER YEAR. AND WE
20 NEGOTIATED A REDUCTION IN THE FRONT-END OF THAT TO
21 ALLOW MR. KIRKLAND TO SHOW GOOD FAITH THAT HE
22 COULD BEGIN TO MAKE A MEANINGFUL REDUCTION IN THAT
23 PILE IN YEAR ONE.

24 WHILE WE MAY DISAGREE ON WHAT THE
25 START DATE IS AND WHAT'S IN AND WHAT'S OUT, WE

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1 BOTH AGREE THAT WE FAILED TO EVEN MAKE THE 72, THE
2 7,500. IN FACT, WE'RE ABOUT 25 PERCENT SHORT IF
3 MR. KIRKLAND IS SAYING 2.3 IS STILL SHORT, AND I
4 BELIEVE THAT'S STAFF'S NUMBER AS WELL.

5 THE LAST AREA, AS YOU KNOW, IS
6 RELATED TO THE ADJACENT FACILITY, AND THAT IS THAT
7 IT'S EXPECTED TO SEE ITS ENERGY PRICES CHANGE IN
8 ABOUT SEPTEMBER OR THE LATTER PART OF THIS YEAR.
9 AND YOUR REQUIREMENTS IN THIS PERMIT ALSO ASKED
10 FOR AN INCREASE IN THE FINANCIAL ASSURANCES OR
11 DEMONSTRATION OF APPROPRIATE FINANCIAL ASSURANCES
12 180 DAYS PRIOR TO THAT CLIFF DATE, WHICH WAS MARCH
13 5TH. AND OTR'S RESPONSE TO THAT WAS THE PROPOSED
14 MONOFILL, WHICH YOU'VE HEARD US INDICATE WE'RE
15 STILL EVALUATING, AND WE HAVE SOME QUESTIONS AS TO
16 WHETHER OR NOT THAT'S SIMPLY JUST A DIFFERENT WAY
17 OF MANAGING THE SAME PILE.

18 I THINK IT WAS APPROPRIATE FOR THIS
19 BOARD TO ISSUE A PERMIT A YEAR AGO. WE HAVE A
20 LEVEL OF FINANCIAL ASSURANCES THAT WE NEGOTIATED,
21 AND MR. KIRKLAND WAS GIVEN THE RIGHT TO OPERATE
22 THAT TIRE PILE, BRINGING IN TIRES AND LETTING
23 TIRES MOVE OUT. BUT WE MADE IT VERY CLEAR THAT
24 ONE YEAR FROM THAT DATE WE WERE GOING TO BRING
MR.

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1 COULD REVIEW HIS PERFORMANCE.

2 WE THINK THAT THERE'S SOME
3 SHORTCOMINGS IN THAT PERFORMANCE. AND WE WILL BE
4 PREPARED AT THE BOARD MEETING TO LAY OUT WHAT WE
5 THINK ARE THE APPROPRIATE ENFORCEMENT ACTIONS AT
6 THAT TIME. AND THEY MAY RELATE SINGULARLY TO ONE
7 OF THOSE AREAS OR ALL THREE AREAS, BUT WE'LL BE
8 ADDRESSING THE ONGOING VIOLATIONS, THE REDUCTION
9 IN TIRE PILE, WHICH WE PRETTY MUCH AGREED TO ON
10 THOSE NUMBERS AS IT RELATES TO THE BOTTOM LINE,
11 AND, FINALLY, OUR FEELINGS ABOUT THE CLOSURE PLAN
12 AS A SUBSTITUTE FOR INCREASED FINANCIAL ASSURANCES
13 180 DAYS PRIOR TO MELP'S CLOSURE DATE.

14 SO I WISH WE HAD THE NUMBERS A
15 LITTLE BIT EARLIER SO THAT WE WEREN'T IN THIS LATE
16 VENUE TO TRY TO GIVE THE KIND OF CLARITY YOU WERE
17 LOOKING FOR EARLIER. BY THE BOARD MEETING, WE
18 FEEL PREPARED TO OFFER WHAT WE FEEL ARE THE
19 APPROPRIATE SANCTIONS OR CONDITIONS AROUND THIS
20 PERMIT AT THIS TIME TO ENSURE THAT OUR OVERARCHING
21 OBJECTIVES ARE MET, WHICH WE LAID OUT LAST YEAR,
22 AND THAT WAS, NO. 1, REDUCE THAT PILE ON A TIME
23 CERTAIN BASIS.

24 THAT'S PROBABLY ABOUT ALL I HAVE TO
25 SAY. YOU DIRECTED ME AS IT WAS RELATED TO THE

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1 CONDITIONS, THAT YOU ALSO WANTED TO SEE SOME
2 RELATIONSHIP, AND THAT WAS WITH THE MODESTO ENERGY
3 PROPOSED APPLICATION. AND I'M IN NEGOTIATIONS
4 WITH THEM TO SEE IF WE CAN BRING YOUR CONCERNS,
5 THE COMMITTEE'S CONCERNS THAT WERE ARTICULATED
6 THEN INTO THAT PERMIT CONDITION. AND SOME HAVE
7 SAID THESE TWO PROJECTS ARE INEXTRICABLY LINKED,
8 THAT WE ARE LOOKING AT THOSE RIGHT NOW AS TWO
9 SEPARATE MATTERS.

10 THE MATTER BEFORE US TODAY IS THE
11 PERFORMANCE OF THIS PERMIT, BUT WE WILL BE
12 NEGOTIATING WITH MODESTO TO SEE IF WE CAN ENSURE
13 THAT IF THEY'RE GOING TO BE BEFORE THIS BOARD WITH
14 A PERMIT APPLICATION, THAT THEY ADDRESS WHAT YOU
15 ARTICULATED AS YOUR OVERARCHING CONCERN, AND THAT
16 THAT WAS THAT THAT TIRE PILE BE REDUCED IN SOME
17 WAY AND SEEING IF THERE'S SOME CONDITIONS IN THAT
18 APPLICATION THAT CAN BE TRUE TO THAT GOAL.

19 SO I WILL KEEP YOU POSTED AS THE
20 NEGOTIATIONS CONTINUE, BUT WHAT WE'VE HEARD TODAY
21 LEAVES SOME PAUSE FOR CONCERN ABOUT THE
22 PERFORMANCE OF OTR AFTER ONE YEAR IN THE AREA OF
23 HEALTH AND SAFETY, TIRE PILE REDUCTION, AND
24 DEMONSTRATION OF FINANCIAL ASSURANCES.

25 MEMBER RELIS: WITH THAT, I'M WONDERING

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1 WHAT OTHER COMMITTEE MEMBERS FEEL. WE'LL HAVE
2 YOUR ANALYSIS FOR THE FULL BOARD MEETING,
3 INCLUDING RECONCILIATION OR CLARIFICATION OF THE
4 NUMBERS, SO I DON'T SEE THAT WE CAN DO MUCH MORE
5 TODAY OTHER THAN TO REGISTER ALL THE CONCERNS AND
6 OBSERVATIONS NOTED AND MOVE IT ON OR AWAIT THAT
7 INFORMATION AT THE FULL MEETING.

8 I WOULD MAKE ONE SUGGESTION. I FEEL
9 SO STRONGLY ABOUT THIS FIRE LANE. IT DISTURBS ME
10 THAT WE'VE HEARD NOTHING BACK FORMALLY FROM THE
11 COUNTY ON THEIR FIRE BECAUSE WE'RE VESTING THE
12 PROTECTION, THE HEALTH AND SAFETY ISSUE ON THE
13 FIRE, WITH THE LOCAL FIRE PROTECTION AUTHORITIES.
14 AND I WOULD SURE LIKE TO SEE SOMETHING IN WRITING
15 FROM THEM THAT THEY'RE ON TOP OF --

16 MS. RICE: WE HAVE CORRESPONDED WITH THEM
17 AND REQUESTED THAT THEY BE AT THIS AND OTHER
18 MEETINGS OF THE COMMITTEE AND THE BOARD REGARDING
19 THIS PERMIT AND THE ISSUES THAT RELATE TO THEM.
20 THEY WERE UNABLE TO ATTEND TODAY AND HAVE
21 INDICATED THAT THEY WOULD PROVIDE SOMETHING TO MY
22 OFFICE IN WRITING REGARDING THEIR VIEW OF THE
23 STATUS OF THE ISSUES THAT THEY'RE CONCERNED WITH.
24 I HAVE NOT YET RECEIVED ANYTHING. HOPEFULLY BY
25 THE TIME OF THE BOARD MEETING WE WOULD HAVE

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1 SOMETHING FROM THEM.

2 MEMBER RELIS: I WOULD SURE HOPE SO. I
3 DON'T KNOW HOW WE CAN UNDERSCORE THAT, BUT AT
4 LEAST SPEAKING FOR THIS MEMBER, I'M REAL CONCERNED
5 ABOUT WHAT'S GOING ON THERE. AND SHOULD SOMETHING
6 HAPPEN, I WANT TO KNOW WHAT MEASURES WE'RE GOING
7 TO TAKE.

8 MS. RICE: WELL, WE WILL ASK AGAIN. WE
9 WILL ASK AGAIN AND TRY TO HAVE SOMETHING FOR YOU
10 AT THE BOARD'S MEETING.

11 MEMBER JONES: MR. CHAIRMAN, MS. RICE, IF
12 YOU COULD ASK THE FIRE MARSHAL FOR SOMETHING EARLY
13 ENOUGH SO THAT WE REVIEW IT PRIOR TO THE BOARD
14 MEETING SO THAT IF WE DID THINK THAT THERE WAS A
15 NECESSITY THAT THEY BE THERE OR AT LEAST BRING
16 MORE INFORMATION FORWARD THAT -- YOU KNOW, AND I
17 KNOW THAT'S NOT IN YOUR HANDS, BUT IF YOU CAN MAKE
18 THE REQUEST BECAUSE THIS IS A BIG ISSUE. AND I
19 THINK A LOT MORE -- I THINK ACCURATELY WE ARE, YOU
20 KNOW, VERY, VERY CONCERNED ABOUT THAT.

21 MR. KIRKLAND: I THINK ON THE FIRE LANE,
22 WHICH WE PUT IN, AND WE'VE PUT IN SEVERAL OTHERS
23 OF OUR OWN VOLITION, THAT'S NOT A PROBLEM. IT CAN
24 BE CLEANED OUT DAILY. IF THE STATE HAPPENED TO
25 VISIT DURING THE DAY WHEN TIRES ARE BEING PUSHED

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1 INTO IT, IT'S CLEANED OUT NIGHTLY. IT'S NOT A
2 PROBLEM.

3 MR. CHANDLER: WHY DO THEY GET FILLED IN
4 THE FIRST PLACE?

5 MR. KIRKLAND: AS HE PUSHES THEM DOWN THE
6 HILL, THE FIRE LANE IS BUILT INTO THE SIDE OF THE
7 HILL, SO AS HE PUSHES THEM DOWN THE HILL, IT FILLS
8 IN. IT'S JUST A NATURAL RESULT OF GRAVITY, I
9 GUESS.

10 MEMBER JONES: OR STOPPING THE TRACTOR A
11 LITTLE SHORT OF ITS END DESTINATION.

12 MR. KIRKLAND: IF YOU EVER WATCH SEVERAL
13 TONS OF TIRES BEING PUSHED BY A LARGE TRACTOR,
14 LARGE CAT, CATERPILLAR TRACTOR, IT'S -- IT'S QUITE
15 A LESSON IN PHYSICS. YOU'RE INVITED TO COME OUT
16 AND WATCH ANY TIME.

17 MEMBER JONES: I APPRECIATE THAT LEARNING
18 EXPERIENCE.

19 MR. KIRKLAND: I WOULD ALSO LIKE TO
20 ADDRESS, AS FAR AS GIVING OUR NUMBERS TO THE
21 STATE, WE'VE GIVEN THEM WITHIN 24 HOURS OF BEING
22 REQUESTED. AS FAR AS THE PILE GOES, MAYBE YOU
23 COULD ASK ONE OF YOUR STAFF PEOPLE IF -- WHAT
24 THEIR IMPRESSION OF THE TIRE PILE IS IN THE LAST
25 12 MONTHS, SOME OF THOSE WHO HAVE SEEN IT ON A

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1 REGULAR BASIS, WHETHER THEY THINK THE PILE IS
2 SMALLER OR NOT. I CAN TELL YOU THE PILE IS
3 SUBSTANTIALLY SMALLER. SUBSTANTIALLY IN TERMS OF
4 WITHIN A ROCK THROW OF OUR PERMIT CONDITION, IT IS
5 WITHIN THAT. TOTAL PILE IS SUBSTANTIALLY SMALLER.

6 MEMBER JONES: THE CONFUSION IS, THOUGH,
7 IS NO MATTER WHETHER WE USE -- YOU KNOW, YOUR
8 NUMBERS AND STAFF'S NUMBERS ARE VERY, VERY CLOSE
9 TO EACH OTHER. AND THE ROCK THROW IS
10 APPROXIMATELY 33 PERCENT SHORT OF, YOU KNOW, WHERE
11 IT'S SUPPOSED TO BE. CONDITIONS ARE PUT INTO
12 PERMITS NOT AS GOALS TO TRY TO REACH, BUT ACTUALLY
13 AS MANDATED CONDITIONS OF HOW YOU OPERATE A
14 FACILITY.

15 I MEAN EVERY LANDFILL, EVERY
16 TRANSFER STATION, EVERY REGULATED ENTITY IN THIS
17 STATE HAS CONDITIONS, AND THOSE CONDITIONS HAVE TO
18 BE MET. THEY'RE NOT SOME VISIONARY GOAL. I MEAN
19 THEY ARE A CONDITION OF DOING BUSINESS. AND THE
20 CONDITION OF DOING BUSINESS IN THIS PERMIT WASN'T
21 A -- IT DIDN'T HURT YOU IN THE FRONT YEAR. IT
22 ACTUALLY -- I MEAN IF YOU LOOK UNDER THE
23 REDUCTIONS, IT'S 7500 TONS THIS YEAR, IT'S MORE
24 TONS THE FOLLOWING, MORE AFTER THAT, AND MORE
25 AFTER THAT. SO WE'RE A THIRD SHORT THIS YEAR,

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1 ATTORNEY STOOD HERE AND AGREED TO REDUCE THE PILE
2 WITHIN THE FIRST YEAR OF THE PERMIT BY 750,000
3 TONS. WE EXCEEDED THAT IN THE FIRST YEAR THAT WE
4 HAD A PERMIT. WE RECEIVED THE PERMIT MAY THE 8TH.
5 WE'VE REDUCED THE PILE BY A MILLION TIRES SINCE
6 THEN.

7 NOW, BACKING THE DATA OUT CAUSED
8 THAT PILE -- THE NUMBER THAT WE HAD TO REDUCE TO
9 GO UP. IT CAUSED US TO HAVE TO REDUCE THE PILE
10 THE FIRST YEAR BY ONE AND A HALF MILLION TIRES TO
11 MAKE THAT FIRST YEAR REDUCTION. OUR SECOND YEAR
12 REDUCTION WILL BE LESS COSTLY AND EASIER TO
13 ACHIEVE THAN OUR FIRST YEAR REDUCTION HAS BEEN.

14 I'M NOT SURE IF I'M MAKING MYSELF
15 CLEAR ON THIS POINT, BUT IN THE YEAR THAT WE'VE
16 HAD THE PERMIT, WE'VE HAD THE PERMIT LESS THAN A
17 YEAR, WE HAD TO REDUCE THAT PILE BY A MILLION TO
18 ACCOUNT FOR THE SHUTDOWN.

19 NOW, IF YOU LOOK AT A PERMIT THAT'S
20 ISSUED ON MAY THE 8TH, 1996, COMING UP ON MAY THE
21 8TH, 1997, WE WILL BE IN EXCESS OF A MILLION TIRE
22 NET REDUCTION OF THAT TIRE PILE.

23 I DON'T KNOW IF THAT -- IF I'M
24 MAKING MYSELF CLEAR ON THIS POINT. BUT IN A
25 12-MONTH -- OUR PERMIT RUNS FROM MAY 8TH, 1997,

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1 TO, I BELIEVE, 2002, MAY THE 8TH, 2002. THAT'S
2 THE TERMS OF OUR PERMIT, SO IF YOU LOOK AT THE --
3 IF YOU LOOK AT A 12-MONTH REDUCTION, WE'RE GOING
4 TO EXCEED IT BY QUITE A BIT.

5 CHAIRMAN FRAZEE: OKAY. THANK YOU. DOES
6 THAT DISPOSE OF THIS ITEM? THIS WILL BE FORWARDED
7 TO THE BOARD FOR ACTION. NO NEED FOR A MOTION.

8 OKAY. LET'S MOVE ON TO ITEM 8, THE
9 CONSIDERATION OF NEW SITES FOR THE SOLID WASTE
10 DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM.

11 MS. RICE: THANK YOU, MR. CHAIRMAN,
12 MEMBERS. MARGE ROUCH WILL MAKE THE PRESENTATION
13 FOR STAFF ON THIS ITEM.

14 MS. ROUCH: GOOD MORNING, CHAIRMAN FRAZEE
15 AND COMMITTEE MEMBERS. TODAY THE 2136 PROGRAM
16 BRINGS YOU SIX SITES FOR CONSIDERATION OF
17 REMEDICATION. THE LYNCH SITE AND THE ENTERPRISE
18 SITES REQUIRE REMEDIATION OF EROSION CAUSED
19 PROBLEMS AND EXPOSED WASTE.

20 THE OTHER SITES ARE ILLEGAL DISPOSAL
21 SITES PROPOSED FOR CLEANUP. THE MOUNTAIN MEADOW
22 AND PHILO GREENWOOD ARE ACTUALLY SEVEN SITES ALONG
23 THOSE TWO ROADWAYS, BUT WE'RE JUST CONSIDERING IT
24 AS ONE SITE.

25 MR. PAT MINTURN FROM SHASTA COUNTY

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1 DEPARTMENT OF PUBLIC WORKS WOULD LIKE TO SPEAK ON
2 THE ENTERPRISE SITE, AND MR. MICHAEL SCHMAELING
3 FROM SANTA BARBARA COUNTY LEA WOULD LIKE TO SPEAK
4 TO THE SANTA BARBARA COUNTY SITE. AND IF YOU
5 DON'T HAVE ANY QUESTIONS, I DON'T HAVE ANYTHING TO
6 ADD OTHER THAN WHAT WE'VE ALREADY PUT INTO THE
7 ITEM.

8 CHAIRMAN FRAZEE: OKAY. LET'S HEAR FROM
9 SHASTA COUNTY FIRST.

10 MR. MINTURN: MR. CHAIRMAN, MEMBERS OF
11 THE BOARD, I'M HERE TODAY TO SPEAK ON BEHALF OF
12 THE PROJECT, WHY IT'S A MEANINGFUL PROJECT AND WHY
13 IT'S -- WHY SHASTA COUNTY NEEDS YOUR ASSISTANCE IN
14 THIS PROJECT.

15 THE SITE WAS A LANDFILL THAT SHASTA
16 COUNTY CONSOLIDATED THE BURN DUMPS INTO IN THE
17 EARLY '70S WHILE WE WERE SITING A MAJOR REGIONAL
18 LANDFILL, THE WEST CENTRAL LANDFILL. WE CLOSED
19 THIS SITE AS SOON AS WEST CENTRAL BECAME A VIABLE
20 FACILITY AND WAS SITED, AND WE CLOSED IT TO THE
21 BEST OF OUR ABILITY AT THAT TIME. WE WENT IN, WE
22 CAPPED THE SITE, WE DENIED ACCESS, WE LATER
23 INSTALLED MONITORING WELLS, AND WE'VE MAINTAINED
24 THE SITE TO THE BEST OF OUR ABILITY WITH ROAD CREW
25 MAINTENANCE AND SO FORTH.

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1 BUT THE SITE HAS ONE MAJOR WEAKNESS.
2 IT HAS A SIGNIFICANT TRIBUTARY THAT FLOWS ACROSS
3 IT, A TRIBUTARY TO STILLWATER CREEK AND THE
4 SACRAMENTO RIVER. AND WITH CONTINUING EROSION OF
5 THE CAP OVER THE LAST 20 YEARS, THIS DRAINAGE HAS
6 BECOME A SURFACE WATER THREAT.

7 AND SO WE'VE DISCUSSED IT WITH STAFF
8 FROM THE BOARD, AND IT'S A PROJECT THE SCOPE OF
9 WHICH IS BEYOND OUR ABILITY TO DEAL WITH AS A ROAD
10 DEPARTMENT, BUT WE DO HAVE SOME RESOURCES AT OUR
11 DISPOSAL IN THE NATURE OF FILL MATERIAL.
12 APPROXIMATELY 10 TO 20,000 CUBIC YARDS OF MATERIAL
13 WILL BE AVAILABLE AS A RESULT OF A NEARBY ROAD
14 CONSTRUCTION PROJECT. AND WE'VE WORKED WITH BOARD
15 STAFF TO STUDY ALTERNATIVES, AND WE FEEL THAT IT'S
16 A GOOD PROJECT.

17 IT'S A PROJECT THAT WILL BE
18 IMPORTANT TO REDDING AS IT GROWS IN THIS
19 DIRECTION, AS RESIDENTIAL NEIGHBORHOODS BEGIN TO
20 APPROACH, AND AS WATER QUALITY BECOMES A GREATER
21 ISSUE IN THE STATE. I FEEL THAT THIS IS AN
22 IMPORTANT PROJECT THAT SHOULD BE ADDRESSED AT THIS
23 POINT.

24 CHAIRMAN FRAZEE: OKAY. THANK YOU.
25 QUESTIONS?

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1 MS. ROUCH: MR. DALE STOLTZ, THE SHASTA
2 COUNTY LEA, IS ALSO HERE IF YOU HAVE ANY QUESTIONS
3 OF HIM.

4 CHAIRMAN FRAZEE: AND THEN SANTA BARBARA
5 COUNTY REPRESENTATIVE.

6 MR. SCHMAELING: MR. CHAIRMAN AND BOARD
7 MEMBERS, I JUST WANT TO THANK YOU FOR THE
8 OPPORTUNITY TO UTILIZE THESE FUNDS IF YOU APPROVE
9 THEM. I THINK IT'S AN EXCELLENT AIM TOWARDS THE
10 2000 PARTNERSHIP. AND THANKS AGAIN. I REALLY
11 LOOK FORWARD TO WORKING WITH THE BOARD IN THIS
12 PARTICULAR THREE PROJECTS. THEY'RE OLD HISTORIC
13 DUMP SITES. THEY'RE -- I UNDERSTAND I THINK IT'S
14 AB 1810 WILL BE ADDRESSING THESE TYPES OF
15 SITUATIONS ALSO. AND WE'RE LOOKING AT PREVENTING
16 THESE THINGS FROM HAPPENING IN THE FUTURE. THANK
17 YOU.

18 MEMBER JONES: MR. CHAIRMAN, MAY I ASK A
19 QUESTION? SIR, IT'S AN EASY QUESTION. IN THE
20 BACKUP THAT WE GOT, SANTA BARBARA COUNTY IS GOING
21 TO INSTALL FENCING ALONG THOSE AREAS WHERE THE
22 ILLEGAL DUMPING IS GOING ON; IS THAT CORRECT?

23 MR. SCHMAELING: THAT'S CORRECT. AND
24 EVEN IN SOME AREAS WE'LL ALSO PUT UP A GUARDRAIL
25 SO THAT THE FENCING WILL JUST BE A BUFFER ON TOP

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1 OF THE GUARDRAIL ALSO.

2 MEMBER JONES: GOOD. I'M WONDERING,
3 BECAUSE I KNOW ILLEGAL DUMPING IN THOSE TYPES OF
4 AREAS IS REALLY TOUGH, HAVE YOU HAD ANY
5 DISCUSSIONS WITH THE LOCAL SHERIFF'S DEPARTMENT AS
6 FAR AS HELPING YOU ON ENFORCEMENT OF ANY OF THOSE?

7 MR. SCHMAELING: YES. AS A MATTER OF
8 FACT, I ALWAYS LIKE TO THINK SANTA BARBARA IS ON
9 THE CUTTING EDGE OF EXCELLENCE. WE'RE DEVELOPING
10 AN AMENDMENT TO OUR LOCAL ORDINANCE RIGHT NOW
11 WHICH WILL BE PASSED PRIOR TO SB 1810 WHERE IT'S
12 ALMOST SAYING THE SAME THING. IF DUMPING OCCURS
13 FROM A COUNTY EASEMENT ONTO PRIVATE PROPERTY, THAT
14 THE RANCHERS JUST NEED TO NOTIFY THE COUNTY PUBLIC
15 WORKS DEPARTMENT AND WE'LL GET RIGHT ON IT RIGHT
16 AWAY.

17 MEMBER JONES: GREAT. THANK YOU.

18 MEMBER RELIS: MR. CHAIR, I WOULD MOVE
19 RESOLUTION 97, REGARDING THE CLEANUP SITES.

20 MEMBER JONES: I'LL SECOND IT.

21 CHAIRMAN FRAZEE: OKAY. IT'S
22 97-SOMETHING OR OTHER. DOESN'T MAKE ANY
23 DIFFERENCE.

24 MS. ROUCH: I WILL GET IT FOR YOU. I
25 APOLOGIZE.

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1 MEMBER RELIS: 97-BLANK, BUT QUALIFIED BY
2 THE -- IT REFERS TO THE CLEANUP SITES.

3 CHAIRMAN FRAZEE: WE HAVE A MOTION AND A
4 SECOND FOR APPROVAL OF CLEANUP SITES. SECRETARY
5 WILL CALL THE ROLL, PLEASE.

6 THE SECRETARY: BOARD MEMBER RELIS.

7 MEMBER RELIS: AYE.

8 THE SECRETARY: BOARD MEMBER JONES.

9 MEMBER JONES: AYE.

10 THE SECRETARY: CHAIRMAN FRAZEE.

11 CHAIRMAN FRAZEE: AYE. MOTION CARRIED.

12 AND IF THERE'S NO OBJECTION, WE'LL GO CONSENT
13 CALENDAR ON THAT ITEM.

14 MS. RICE: THANK YOU.

15 CHAIRMAN FRAZEE: AND NOW ITEM 9,
16 CONSIDERATION OF GOALS AND OBJECTIVES FOR
17 PERMITTING AND ENFORCEMENT DIVISION'S STRATEGIC
18 PLANNING EFFORT.

19 MS. RICE: THANK YOU, MR. CHAIRMAN AND
20 MEMBERS. I'LL HAVE A BRIEF PRESENTATION FOR YOU
21 THIS AFTERNOON. THIS ITEM BRINGS FORWARD FOR YOUR
22 COMMENT AND CONSIDERATION PROPOSED GOALS AND
23 OBJECTIVES FOR THE PROGRAMS IMPLEMENTED BY THE
24 PERMITTING AND ENFORCEMENT DIVISION OF THE BOARD,
25 THE PRIMARY PURPOSE OF WHICH IS PROTECTION OF

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1 PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT EITHER
2 THROUGH PROGRAMS WHICH THE BOARD IMPLEMENTS
3 DIRECTLY OR THROUGH OUR SUPPORT, GUIDANCE, AND
4 OVERSIGHT OF THE LOCAL ENFORCEMENT AGENCIES.

5 WHILE THE TITLE LISTS THIS ITEM AS
6 ONE FOR YOUR CONSIDERATION, I WOULD SUGGEST THAT,
7 GIVEN THE TIMING AND PROGRESS OF OUR CONSIDERATION
8 NEXT WEEK AT THE FULL BOARD MEETING OF SPECIFIC
9 ELEMENTS OF THE BOARDWIDE STRATEGIC PLAN, IT MAY
10 BE MORE APPROPRIATE TO DEFER CONSIDERATION OF THIS
11 MORE SPECIFIC STRATEGIC PLAN FOR ONE DIVISION
12 UNTIL THE FORM AND CONTENT OF THE OVERARCHING
13 STRATEGIC PLAN HAVE BEEN FINALIZED BY YOURSELVES
14 AND THE OTHER BOARD MEMBERS.

15 WITH THAT IN MIND, I WOULD PROPOSE
16 THAT TODAY'S ITEM IN A SENSE INITIATE AN INFORMAL
17 COMMENT PERIOD ON WHAT IS PRESENTED IN THE ITEM
18 FOR BOARD MEMBERS, STAFF, AND THE INTERESTED
19 PUBLIC, AND THAT WE RETURN TO YOU IN PERHAPS
20 EITHER YOUR MAY OR JUNE MEETING, DEPENDING ON THE
21 OUTCOME OF THE BOARDWIDE STRATEGIC PLANNING
22 EFFORTS ONCE THAT PLAN HAS BEEN SOLIDIFIED, FOR
23 YOUR FURTHER CONSIDERATION OF THIS SPECIFIC
24 DOCUMENT.

25 IN THAT MAY OR JUNE TIME FRAME, WE

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1 WOULD ALSO BE PREPARED TO BRING YOU THE FULL
2 COMPLEMENT OF STRATEGIC PLANNING ELEMENTS FOR THE
3 PERMITTING AND ENFORCEMENT DIVISION'S PROGRAM,
4 WHICH WOULD INCLUDE SPECIFIC STRATEGIES FOR
5 ACHIEVEMENT OF THE STATED GOALS AS WELL AS
6 PERFORMANCE MEASURES SO THAT WE CAN MONITOR OUR
7 SUCCESS IN ACHIEVING WHAT YOU SET OUT FOR US TO
8 DO.

9 LASTLY, I WOULD LIKE TO NOTE THAT I
10 HAVE WORKED VERY CLOSELY ON THE DEVELOPMENT OF
THE
11 OBJECTIVES, STRATEGIES, AND PERFORMANCE MEASURES
12 FOR THE BOARDWIDE GOAL ADOPTED AT YOUR MARCH
BOARD
13 MEETING THAT ADDRESSES THE PROGRAMS AT THE BOARD
14 WHICH DO HAVE THE GOAL OF PROTECTION OF PUBLIC
15 HEALTH, SAFETY, AND THE ENVIRONMENT. I AM
HOPEFUL
16 THAT THE WORK ON THAT GOAL AND ON THIS MORE
17 FOCUSED EFFORT IS MUTUALLY SUPPORTIVE AND VERY
18 CONSISTENT AND COMPLEMENTARY TO ONE ANOTHER AND
TO
19 MY UNDERSTANDING OF YOUR INTENT IN ADOPTING THE
20 BOARDWIDE GOALS LAST MONTH.

21 WITH THAT INTRODUCTION AND
22 BACKGROUND, I WILL NOTE THAT OUR DRAFT GOALS AND

23 OBJECTIVES ARE PRESENTED AS ATTACHMENT A TO YOUR
24 ITEM BEGINNING ON PAGE 83. ATTACHMENT B,
25 BEGINNING ON PAGE 86, IS INTENDED MERELY AS A

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1 DESCRIPTIVE DOCUMENT ABOUT THE BOARD PROGRAMS
2 IMPLEMENTED OUT OF THE PERMITTING AND ENFORCEMENT
3 DIVISION. SO IT'S ESSENTIALLY BACKGROUND
4 MATERIAL.

5 IN CONCLUSION, WE WOULD BE ASKING
6 TODAY FOR ANY COMMENTS OR SUGGESTIONS YOU OR ANY
7 MEMBER OF THE PUBLIC MAY HAVE FOR US AS WE
8 CONTINUE TO WORK ON THIS DOCUMENT. WE WOULD ALSO
9 WELCOME THAT COMMENT OR INPUT ANY TIME OVER THE
10 UPCOMING WEEKS AS WE PREPARE TO BRING THIS ITEM
11 BACK TO YOU IN MORE DETAIL AT YOUR MAY OR JUNE
12 MEETING, WHICHEVER MAY BE APPROPRIATE DEPENDING
13 UPON THE OUTCOME OF THE BOARDWIDE EFFORT. WITH
14 THAT, I THANK YOU FOR THE OPPORTUNITY TO BRING
15 THIS FORWARD AND WELCOME ANY COMMENTS YOU MAY HAVE
16 FOR ME.

17 CHAIRMAN FRAZEE: OKAY. ANY COMMENTS?

18 MEMBER JONES: JUST ONE QUICK ONE. I
19 THINK THIS IS GOOD. I READ IT. I LIKE IT. I
20 DON'T EVEN KNOW HOW WE GET TO THIS, BUT UNDER GOAL
21 3, AND IT'S PROBABLY GOING TO BE IMPOSSIBLE, BUT
22 I'D LIKE STAFF TO THINK ABOUT IT. YOU KNOW,
23 TRAINING THE LEA'S, AND ONE OF THE BIGGEST
24 CONCERNS, BOTH PRIVATE AND PUBLIC, FROM BOTH THOSE
25 ENTITIES, IS THE CONSISTENCY STATEWIDE. AND WHILE

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1 I KNOW LEA'S ARE INDIVIDUALS AND HAVE -- YOU KNOW,
2 CERTAINLY EXERCISE THE RIGHT TO INTERPRET
3 REGULATIONS THE WAY THEY WANT, UNDER THAT GOAL,
4 YOU KNOW, I'D LIKE TO SEE SOMETHING -- I MEAN A
5 REAL STATEMENT THAT WE'RE GOING TO -- THAT WE'RE
6 GOING TO, IN GIVING OUR ADVISORIES, IN GIVING OUR
7 TRAINING, YOU KNOW, AIM FOR CONSISTENCY, WHETHER
8 IT IS -- YOU KNOW, IT'S ALMOST IMPOSSIBLE TO DO.
9 I UNDERSTAND THAT, BUT I MEAN SHORT OF GIVING UP
10 ON IT, I THINK WE NEED TO AT LEAST THINK ABOUT HOW
11 WE INCORPORATE THAT INTO OUR MISSION, THAT OUR --
12 YOU KNOW, ONE OF OUR GOALS WHILE TRAINING PEOPLE
13 HOW TO DO THESE THINGS IS WITH THE IDEA OF HAVING
14 A CONSISTENT STANDARD THROUGHOUT THE STATE EVEN
15 THOUGH WE'RE DEALING WITH AN AWFUL LOT OF
16 DIFFERENT ENTITIES.

17 MS. RICE: THANK YOU. IT'S VERY GOOD
18 INPUT, AND IT IS SOMETHING WE TALKED ABOUT QUITE A
19 BIT IN DEVELOPING THESE. IF YOU LOOK AT THE
20 WORDING ON GOAL 5, SOME OF THAT IS EXACTLY WHAT WE
21 WERE THINKING OF. WE WERE TRYING TO FIND WAYS
22 THROUGH OUR WORK TO STRIKE THE BALANCE BETWEEN THE
23 NEED FOR CONSISTENT STATEWIDE STANDARDS AND THE
24 NEED FOR FLEXIBILITY, NOT ONLY ON THE BEHALF OF
25 LEA'S, BUT OPERATORS FOR UNIQUE SITUATIONS. SO WE

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1 ARE REAL COGNIZANT OF THAT NEEDED BALANCE AND WILL
2 CONTINUE TO WORK FOR WAYS TO BUILD THAT INTO OUR
3 STRATEGIES.

4 CHAIRMAN FRAZEE: OKAY. WE DO HAVE TWO
5 COMMENTERS. FIRST EVAN EDGAR REPRESENTING CRRC.

6 MR. EDGAR: GOOD MORNING, CHAIRMAN, BOARD
7 MEMBER. MY NAME IS EVAN EDGAR. I'M THE MANAGER
8 OF REGULATORY AFFAIRS FOR THE CALIFORNIA REFUSE
9 REMOVAL COUNCIL. CRRC IS ONE OF THE FEW TRADE
10 ORGANIZATIONS THAT SUPPORTS BOTH SIDES OF THE 50
11 ISSUE. WE WERE HERE AT THE 50-PERCENT
INITIATIVE,

12 AND I'M GLAD YOU GUYS ARE LOOKING AT THE OTHER
50
13 PERCENT. VERY IMPORTANT THAT YOU GUYS ARE A
14 HUNDRED PERCENT THERE.

15 SO OVERALL THE DOCUMENT IS VERY
16 EXCELLENT. I READ IT FIRST TIME TODAY. IT'S
WELL

17 NEEDED. I LIKE THE FACT THAT IT'S BEING MERGED
18 WITH OTHER PLANS. SO I SUPPORT THE -- MAKING
THE

19 DOCUMENTATION AND ON THE FLEXIBILITY
CONSISTENCY

20 ASPECT IS VERY CRITICAL AS WELL, AND LARRY
21 SWEETSER FROM NORCAL WILL TALK ABOUT THAT

COMING

22 UP, SO I'LL DEFER MY SUPPORT TO NORCAL'S

23 TESTIMONY.

24 WHAT I WANT TO TALK ABOUT IS THE

25 CORE ISSUE I THINK IS NEEDED AS PART OF THIS
PLAN.

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1 IT'S SOMEWHAT MISSING, BUT IT KIND OF PARALLELS
2 WHAT YOU HAVE ON PAGE 92 FOR LANDFILL DECOMPO-
3 SITION FOR GAS. IT TALKS ABOUT HAVING STATE
4 STANDARDS FOR GAS CONTROL AND MONITORING, A
5 LIAISON WITH AIR BOARD AND LOCAL AIR DISTRICTS,
6 TECHNICAL SUPPORT FOR THE DTSC. AND WE SEE
7 EVIDENCE OF THAT IN THE NEXT AGENDA ITEM NO. 10
8 ABOUT HAVING THE UPDATE ON STATE AND FEDERAL
9 LANDFILL REQUIREMENTS AND ENFORCEMENT OPTIONS. I
10 BELIEVE ITEM NO. 10 IS AN EXCELLENT TYPE OF REPORT
11 THAT WE SHOULD EXPECT FROM THE WASTE BOARD STAFF
12 ON ISSUES THAT ARE MULTIDISCIPLINE, MULTIAGENCY,
13 MULTIMEDIA, SO I THINK ITEM NO. 10 REALLY DISPLAYS
14 THE TYPE OF WORK THAT THE WASTE BOARD STAFF CAN
15 DO.

16 BUT THE CORE ISSUE THAT PARALLELS
17 THAT HAS TO DO WITH WASTE CLASSIFICATION. WASTE
18 CLASSIFICATION IS A VERY HOT EMERGING ISSUE AT
19 OTHER AGENCIES. AS YOU KNOW, AT THE FEDERAL
20 LEVEL, THE WHOLE ISSUE OF HAZARDOUS WASTE
21 IDENTIFICATION RULE WILL BE TALKING ABOUT
22 DELISTING PORTIONS OF INDUSTRIAL WASTE IN OTHER
23 WASTESTREAMS.

24 OVER AT DTSC DURING THE RSU UPDATE,
25 THEY'RE TALKING ABOUT RELISTING OR REREGULATING.

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1 SOME PEOPLE CALL IT DELISTING, BUT WE'RE NOT SURE
2 WHAT THEY'RE UP TO. AND THE PUBLIC PERCEPTION OF
3 WHAT THEY COULD BE DOING HAS ALREADY EMERGED IN
4 THE PUBLIC SETTING LAST MONTH ABOUT WHAT THAT
5 EFFECT COULD BE ON MSW LANDFILLS. VERY IMPORTANT
6 ISSUE TO THIS BOARD AND THE OTHER 50 PERCENT.

7 PLUS THE WATER BOARD IS TRANSI-
8 TIONING FROM A CLASS I, II, III WORLD INTO A
9 SUBTITLE C AND D WORLD. THEY'RE MOVING A LITTLE
10 QUICKER, AND THEY'RE NOT REALLY WATCHING WHAT DTSC
11 IS DOING AS CLOSELY, AND WE HOPE THAT CAL/EPA GETS
12 A LITTLE BIT MORE MOTIVATED IN ORDER TO PLAY IN
13 THIS GAME. MEANWHILE THE WATER BOARD -- I MEAN
14 THE WASTE BOARD HERE IS IN A REACTIVE ROLE. YOU
15 GUYS ARE WAITING AND SEEING WHAT IS HAPPENING AT
16 DTSC AND THE WATER BOARD, SO YOU GUYS ARE VERY
17 MUCH IN A REACTIVE POSITION, BUT A CRITICAL
18 POSITION BECAUSE THIS IS A CORE ISSUE TO THE SOLID
19 WASTE INDUSTRY, HOW MSW LANDFILLS ARE PERCEIVED.

20 I BELIEVE FROM THE PUBLIC EDUCATION
21 ASPECT, MS. GOTCH'S COMMITTEE ADOPTED A PLAN ON
22 THE OTHER 50 PERCENT ON PUBLIC EDUCATION. BE NICE
23 TO SEE THAT MESHED INTO THE OTHER 50 PERCENT WITH
24 REGARDS WE HAVE COMPOSITE LINERS, WE HAVE
25 LOADCHECKING. THE OTHER 50 PERCENT IS MORE THAN

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1 JUST A LAST RUNG ON THE HIERARCHY. THE OTHER 50
2 PERCENT IS THE BIGGEST COMPONENT OF THE HIERARCHY,
3 AND IT MUST BE DONE IN AN ENVIRONMENTALLY SOUND
4 WAY. THAT'S WHAT THE OTHER 50 PERCENT IS ALL
5 ABOUT.

6 SO WHAT I SUGGEST TODAY, I'M GLAD
7 THAT DOROTHY ALLOWS US EXTENDED OPPORTUNITY TODAY
8 IN ORDER TO ADD SOME MORE COMMENT BECAUSE I WOULD
9 HIGHLY RECOMMEND TO ADD A NEW CORE ACTIVITY UNDER
10 WASTE CLASSIFICATION, BRING TO THE TABLE THE SAME
11 TYPE OF PLAYERS AND TEAM STAFF THAT NEED TO GO TO
12 THE DTSC, THAT NEED TO GO TO THE WATER BOARD IN
13 ORDER TO HAVE A PACKAGE SIMILAR TO WHAT YOU HAVE
14 ON THE AIR ISSUES HERE AND TO UNDERSTAND THE
15 IMPACTS COMING YOUR WAY. IF YOU LIKE IT OR NOT,
16 THEY'RE COMING. AND WE'D LIKE TO BE IN A POSITION
17 TO POSITIVELY REACT TO THEM INSTEAD OF WAITING FOR
18 WHAT RAINS ON US IN A NEGATIVE WAY. THANK YOU FOR
19 THE INPUT.

20 CHAIRMAN FRAZEE: AND LARRY SWEETSER,
21 NORCAL.

22 MR. SWEETSER: GOOD MORNING, MEMBERS OF
23 THE COMMITTEE. MY NAME IS LARRY SWEETSER,
24 DIRECTOR OF REGULATORY AFFAIRS, NORCAL WASTE
25 SYSTEMS. I'LL KEEP IT SHORT GIVEN THE HOUR.

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1 I'D LIKE TO ECHO A LOT OF MR.
2 EDGAR'S COMMENTS AND ALSO COMPLIMENTS ON STAFF AND
3 EVERYTHING. I THINK THESE ARE VERY REASONABLE
4 GOALS, PARTICULARLY THE GOAL 5 IS INTEREST IN
5 PURSUING. I THINK THAT'S BEEN ONE OF THE BOARD'S
6 BIGGEST ASSETS AS FAR AS WORKING GROUPS. IT MAY
7 BE A BIT UNDERSTATED IN THIS PROPOSAL, BUT I THINK
8 THAT'S ONE OF THE THINGS THAT SHOULD BE -- THAT
9 CAN BE LOOKED AT EVEN MORE.

10 THAT'S VERY CRITICAL IN FORMING
11 FOUNDATIONS FOR A LOT OF THE REQUIREMENTS THAT THE
12 OTHER GOALS ARE DEPENDENT UPON. I THINK IT'S BEEN
13 A VERY BIG SUCCESS OF THE BOARD. OTHER AGENCIES
14 ARE STARTING TO LOOK AT THAT. WE LOOKED AT THAT
15 WITH 1220 REGULATIONS AND FOUND THAT BY GETTING
16 EVERYBODY TO WORK TOGETHER IN THE BEGINNING, WE
17 MAY HAVE A LOT MORE ARGUMENTS, BUT BY THE TIME
18 WE'RE DONE, YOU'VE GOT A VERY GOOD, SIMPLE PACKAGE
19 COMING FORWARD THAT EVERYONE CAN LIVE WITH. SO I
20 THINK THAT'S A CRITICAL ELEMENT TO MAYBE STATE A
21 LITTLE MORE FOR OTHER'S BENEFIT BECAUSE MOST OF US
22 THAT ARE HERE KNOW THAT.

23 THE OTHER ITEM WITH BROADENING THE
24 SCOPE OF MULTIMEDIA, AS ONE OF THOSE PARTICIPANTS
25 WITH THE OTHER AGENCIES, IT'S BEEN RATHER

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1 DISCOURAGING. I'VE TALKED TO SOME BOARD MEMBERS,
2 SOME STAFF TO SEE SOME OF THE AGENCIES WITH
3 BLINDERS ON ON THIS ISSUE. WITH THE WATER BOARD
4 LOOKING AT DELISTING LANDFILLS AND HAVING ONLY TWO
5 CLASSIFICATIONS OF WASTE, TOXICS LOOKING AT
6 DELISTING MATERIALS, THERE'S A LOT OF WASTESTREAM
7 HEADED TOWARD CLASS III DISPOSAL. NOT A LOT OF
8 GUIDANCE. EVERY TIME WE BRING UP ISSUES SUCH
9 AS -- AS FAR AS THE OTHER AGENCIES ARE CONCERNED,
10 ONCE THAT WASTE IS BURIED, IT'S NOT A WATER THREAT
11 OR IT'S NOT A TOXICS THREAT, BUT WE BRING UP
12 ISSUES OF WHAT ABOUT GETTING IT INTO THE LANDFILL
13 IN THE FIRST PLACE, OPERATIONAL ISSUES, PUBLIC
14 EXPOSURE ISSUES. AND THEY ALL SAY THAT'S NOT
15 THEIR ROLE. THAT'S YOUR ROLE.

16 I DON'T KNOW IF THEY'VE TOLD YOU
17 THAT OR NOT, BUT THOSE ISSUES ARE OUT THERE. THEY
18 NEED TO BE LOOKED AT AS AN INTEGRATED PACKAGE, NOT
19 INDEPENDENT ON THE DIFFERENT TRACKS. BOTH
20 AGENCIES SEEM TO BE LOOKING AT EACH OTHER FOR
21 WHO'S GOING TO GO FIRST IN THIS LITTLE
22 RECLASSIFICATION GAME, BUT I THINK THE BOARD NEEDS
23 TO BE A MAJOR PLAYER IN THAT. AND I KNOW YOU'VE
24 BEEN ATTENDING THAT, BUT WE DEFINITELY ENCOURAGE
25 THAT AS PART OF THE GOAL STRATEGY, TO GET THAT

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1 BECAUSE THAT WASTE IS COMING. AND ALL OF US NEED
2 TO KNOW HOW TO DEAL WITH IT FOR THE PROTECTION OF
3 ALL PARTIES. SO WITH THAT, I LOOK FORWARD TO
4 COMMENTING ON THIS FORMALLY AND GOOD LUCK WITH THE
5 PROCESS.

6 CHAIRMAN FRAZEE: OKAY. ANYTHING ELSE ON
7 THIS ITEM? WE'RE JUST GOING TO DEFER THIS THEN
8 UNTIL --

9 MS. RICE: CORRECT. WE'LL AGENDIZE AN
10 ITEM FOR YOUR CONSIDERATION MOST LIKELY IN JUNE TO
11 GIVE US AMPLE TIME TO MEET WITH FOLKS WHO HAVE
12 COMMENTS AND WORK THOSE THROUGH AND ADD THEM TO
13 THE DOCUMENT.

14 CHAIRMAN FRAZEE: OKAY. GOOD. THEN
15 WE'RE READY TO MOVE ON TO ITEM 10. THIS IS AN
16 UPDATE ON STATE AND FEDERAL LANDFILL GAS
17 REQUIREMENT STANDARDS AND ENFORCEMENT OPTIONS.

18 MS. RICE: THANK YOU VERY MUCH, MR.
19 CHAIRMAN AND COMMITTEE MEMBERS. THIS IS A
20 BRIEF

21 UPDATE ITEM PURSUANT TO A REQUEST FROM
22 COMMITTEE

23 MEMBERS AT A PRIOR MEETING A FEW MONTHS AGO.
24 THE

25 PRESENTATION WILL BE MADE BY WILLIAM
26 MARCINIAK AND

23 TIM CRIST. WILLIAM IS WITH THE ENFORCEMENT
BRANCH

24 AND TIM WITH CLOSURE AND REMEDIATION.

25 MR. MARCINIAK: THIS IS AN
INFORMATIONAL

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1 ITEM WHICH IS TO UPDATE THE STATE AND FEDERAL
2 REQUIREMENTS ON LANDFILL GAS AT LANDFILLS AND
3 ENFORCEMENT OPTIONS. THIS FIRST PART IS A
4 DISCUSSION OF THE FEDERAL AIR QUALITY EMISSIONS
5 REQUIREMENTS, WHICH WILL BE GIVEN BY TIM OVER
6 HERE; AND FOLLOWING HIS PRESENTATION, I'LL PRESENT
7 THE BOARD REQUIREMENTS, AS SUMMARIZED, TITLE 14
8 REQUIREMENTS, AND THE ENFORCEMENT OPTIONS WITH
9 CORRECTIVE ACTION, AND ALSO DISCUSS FOCUSING ON
10 PROPERTY ACQUISITION FOR REMEDYING THE GAS
11 VIOLATIONS.

12 TIM.

13 MR. CHRIST: GOOD MORNING. I GUESS IT'S
14 ALMOST GOOD MORNING. WELL, GOOD AFTERNOON,
15 MEMBERS -- CHAIRMAN AND MEMBERS OF THE BOARD. I'M
16 JUST GOING TO GIVE YOU A QUICK RUNDOWN ON THE
17 FEDERAL REGULATIONS THAT WERE PROMULGATED BY EPA
18 LAST MARCH REGARDING THE LANDFILL GAS EMISSIONS.
19 THEY'RE CALLED THE NSPSEG'S IN THEIR NORMAL
20 ACRONYM THAT'S REFERRED TO. STANDS FOR NEW SOURCE
21 PERFORMANCE STANDARDS AND EMISSION GUIDELINES.

22 THE FOCUS OF THESE REGULATIONS IS
23 NOT METHANE GAS EMISSIONS PER SE FROM THE
24 LANDFILL, BUT RATHER THE NONMETHANE ORGANIC
25 EMISSIONS FROM THE LANDFILL. THE METHANE CONTROL

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1 COMES ALONG AS KIND OF A SIDE BENEFIT AS THAT'S
2 THE ONLY MOVER TO GET THESE CONSTITUENT GASES OUT
3 OF THE LANDFILL. AND IT BECOMES THE PRIMARY
4 TARGET FOR MONITORING WHETHER CONTROL SYSTEMS THAT
5 ARE PUT IN PLACE ARE EFFECTIVE AT CONTROLLING THE
6 NONMETHANE ORGANIC EMISSIONS. SO METHANE IS
7 CONTROLLED KIND OF INDIRECTLY AND COMES ALONG AS A
8 BENEFIT.

9 REASONS BEHIND CONTROLLING THESE
10 EMISSIONS WERE OZONE GENERATION AND SIDE EFFECTS
11 OF PUBLIC HEALTH -- TO HEALTH FROM THESE
12 NONMETHANE ORGANIC CARBONS. THE METHANE EMISSIONS
13 ARE GASES THAT MAY CONTRIBUTE TO GLOBAL WARMING
14 CLIMATE CHANGE PHENOMENA KNOWN AS THE GREENHOUSE
15 EFFECT.

16 LANDFILLS THAT WILL BE IMPACTED BY
17 THESE REGULATIONS FALL INTO BASICALLY FOUR
18 CATEGORIES. ONE IS THE SIZE EXEMPTED LANDFILLS.
19 THESE ARE LANDFILLS THAT ARE LESS THAN 2.75
20 MILLION TONS OF WASTE IN PLACE, AND THESE
21 LANDFILLS WILL BE EXEMPTED TO THE EXTENT THAT
22 THEY'LL ONLY BE REQUIRED TO SUBMIT AN INITIAL
23 DESIGN CAPACITY REPORT. THEY WILL NOT BE
REQUIRED

24 TO PUT INTO PLACE EMISSION CONTROLS.

25 THERE'S DATE EXEMPTED LANDFILLS.

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1 THESE LANDFILLS ARE ANY LANDFILLS THAT ACCEPTED
2 WASTE PRIOR TO NOVEMBER 1987. THESE LANDFILLS
3 WILL NOT BE REQUIRED TO MEET THE EMISSION
4 GUIDELINES OR THE REPORTING CRITERIA. ONE
5 EXCEPTION IS THAT THEY ARE ON THE NATIONAL
6 POLLUTION PRIORITY LIST AND THEN THEY WOULD BE
7 CONSIDERED SEPARATELY.

8 THIRD CATEGORY OF LANDFILLS IS THE
9 EXISTING MUNICIPAL LANDFILLS. THESE LANDFILLS ARE
10 ANY LANDFILLS THAT HAVE DESIGN CAPACITIES IN
11 EXCESS OF 2.75 MILLION TONS AND WHICH RECEIVED
12 WASTE AFTER NOVEMBER 8TH OF 1987 AND COMMENCED
13 OPERATIONS, CONSTRUCTIONS, RECONSTRUCTIONS, OR
14 MODIFICATIONS BEFORE MAY 30, 1991.

15 THESE LANDFILLS WILL BE REQUIRED TO
16 REPORT THE DESIGN CAPA- -- DO A DESIGN CAPACITY
17 REPORT, AND THEY WILL BE REQUIRED TO DO EMISSION
18 CONTROLS IF IT'S DETERMINED THAT THEIR EMISSION
19 RATE IS GREATER THAN 55 TONS PER YEAR OF
20 NONMETHANE ORGANIC HYDROCARBONS.

21 THE FOURTH CATEGORY OF LANDFILLS IS
22 THE NEW MUNICIPAL LANDFILLS, AND THESE ARE ALL
23 LANDFILLS THAT COMMENCED OPERATION ON OR AFTER MAY
24 30, 1991, AND HAVE -- WOULD HAVE PERMITTED
25 CAPACITIES OF 2.75 MILLION TONS OR GREATER.

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1 AT THIS TIME I'D TAKE ANY QUESTIONS
2 IF YOU HAVE ANY QUESTIONS ON THESE REGULATIONS
3 BEFORE I TURN IT OVER TO BILL.

4 CHAIRMAN FRAZEE: I DO NOT HAVE ENOUGH
5 KNOWLEDGE TO KNOW WHICH LANDFILLS FALL IN ONE
6 CATEGORY OR THE OTHER, BUT IT SEEMS TO ME THAT A
7 GREAT MANY OF THEM OR THE MAJORITY ARE EXEMPTED
8 FROM CONSIDERATION.

9 MR. CHRIST: YES, MR. CHAIRMAN. PROBABLY
10 THERE'S NO MORE -- FROM MY BEST ESTIMATE AND
11 DOCUMENTS THAT I HAVE, PROBABLY THERE'S ABOUT 80
12 TO 90 LANDFILLS THAT WOULD BE IMPACTED BY THESE
13 REGULATIONS. MY BEST GUESS THAT PROBABLY MOST OF
14 THESE LANDFILLS ALREADY HAVE SOME FORM OF GAS
15 CONTROL IN PLACE, SO THE OVERALL IMPACT WILL NOT
16 BE HUGE, I DO NOT BELIEVE.

17 CHAIRMAN FRAZEE: QUESTIONS?

18 MR. MARCINIAK: ONE THING THAT I DON'T
19 KNOW IF IT WAS COMPLETELY MADE CLEAR THERE, THAT
20 GAS CONTROL FROM THE NEW SOURCE PERFORMANCE
21 STANDARDS IS FROM THE CLEAN AIR ACT; WHEREAS, OUR
22 REGULATIONS ARE FROM RCRA SUB D, RESOURCE
23 CONSERVATION RECOVERY ACT. SO THIS IS PRETTY MUCH
24 OF A DISTINCTION BETWEEN THE TWO. SO WE REALLY
25 DON'T HAVE TO WORRY TOO MUCH ABOUT THAT BECAUSE WE

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1 WERE NOT INVOLVED IN THAT ACT.

2 BOARD REQUIREMENTS FOR LANDFILL GAS
3 CONSIST OF TWO STANDARDS, ONE OF WHICH HAS BEEN IN
4 PLACE SINCE 1976. THAT'S 14 CCR 17705. AND THE
5 NEWLY ACQUIRED OR NOT NEW -- SINCE 1993 SUB D
6 REGULATION 14 CCR 1725823, EXPLOSIVE GASES
7 CONTROL. THE FEDERAL REGULATION, THOUGH, IS NOW
8 THE MAIN REGULATION IN USE BY THE BOARD STAFF FOR
9 MUNICIPAL SOLID WASTE LANDFILLS. THAT'S
10 DISTINGUISHED FROM NONMUNICIPAL SOLID WASTE
11 LANDFILLS AND EXEMPT SITES ALSO.

12 FOR SITES WHERE THE 14 CCR 1725823
13 EXPLOSIVE GASES CONTROL IS APPLICABLE, QUARTERLY
14 MONITORING IS REQUIRED. AND THE COMPLIANCE LEVEL
15 FOR GAS MIGRATION TO THE BOUNDARY IS THE LOWER
16 EXPLOSIVE LIMIT OR 5 PERCENT. INSIDE STRUCTURES
17 ON SITE, THE COMPLIANCE LEVEL IS 1.25 PERCENT OR
18 25 PERCENT OF THE LEL.

19 IF EXCEEDANCES ARE DETECTED, THE
20 OPERATOR MUST IMMEDIATELY TAKE ALL STEPS
NECESSARY

21 TO PROTECT HUMAN HEALTH. THEY MUST ALSO
IMPLEMENT

22 A REMEDIATION PLAN WITHIN 60 DAYS OF DETECTING
THE
23 VIOLATION.

24 WHERE THE REGULATION FOR EXPLOSIVE
25 GASES CONTROL DOESN'T APPLY, THE 14 CCR 17705,
GAS

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1 CONTROL, DOES. THIS REGULATION REQUIRES THAT IF
2 THERE IS A HAZARD OR NUISANCE, THE OPERATOR SHALL
3 MONITOR THE SITE AND, IF NECESSARY, INSTALL A GAS
4 CONTROL SYSTEM. REGARDLESS OF WHICH STANDARD IS
5 VIOLATED, A VIOLATION MUST BE ADDRESSED THROUGH
6 THE APPROPRIATE ENFORCEMENT ACTION BY THE LEA, AND
7 THAT MAY OR MAY NOT INCLUDE A NOTICE AND ORDER
8 DEPENDENT ON THE DEGREE OF OPERATOR COMPLIANCE.

9 ASSESSMENTS ARE USUALLY MADE ON A
10 CASE-BY-CASE BASIS, AND POSSIBLE CORRECTIVE
11 ACTIONS INSIDE STRUCTURES WOULD INCLUDE LINER -- A
12 LINE FOR THE BOTTOM OF THE FLOOR OF THE FACILITY,
13 ACTIVE OR PASSIVE COLLECTION SYSTEMS OR
14 VENTILATION. CORRECTIVE ACTIONS FOR EXCEEDANCES
15 AT THE PERMITTED BOUNDARY INCLUDE ACTIVE PERIMETER
16 OR INTERIOR CONTROL SYSTEMS, PERIMETER AIR
17 INJECTION SYSTEMS OR PASSIVE SYSTEMS. AND THE
18 CORRECTIVE ACTION IS DEPENDENT UPON THE TYPE OF
19 SITUATION.

20 FOR NONIMMINENT THREAT SITUATIONS,
21 ACQUISITION OF ADJACENT PROPERTY MAY ALSO BE A
22 COMPLIANCE OPTION. USUALLY THE SITE WOULD BE
23 REMOTE WITH NO IMPACT TO NEIGHBORS AND NO
24 FORESEEABLE THREATS. IT WOULD BE A VIABLE
OPTION
25 IF DETERMINED AS SUCH IN THE REMEDIATION PLAN.

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1 A REQUIREMENT OF THE REMEDIATION
2 PLAN IS THE DESCRIPTION OF THE NATURE AND EXTENT
3 OF THE METHANE PROBLEM AS WELL AS THE PROPOSED
4 REMEDY. AND THE REMEDIATION PLAN IN SOME CASES
5 MAY SPECIFY THE ACQUISITION OF ADJACENT PROPERTY
6 AS THE REMEDY. THE LEA WILL THEN REVIEW THE PLAN
7 AND GRANT APPROVAL IN CONSULTATION WITH THE BOARD
8 STAFF. AND THIS HERE WON'T BE THE TOTAL OF THAT
9 SITUATION. THEY'LL HAVE TO INCLUDE THAT IN A
10 SOLID WASTE FACILITY PERMIT FOR THE VIOLATION TO
11 BE CORRECTED.

12 AND LASTLY, WE HAVE CONTACTED THE
13 FEDERAL EPA, AND THEY ESSENTIALLY ENFORCED --
14 REINFORCED OUR POSITION ON THIS, THAT THEIR REVIEW
15 CONCLUDED THAT NOTHING IN THE REGULATIONS PROHIBIT
16 THIS TYPE OF ACTION AS A REMEDY.

17 SO ARE THERE ANY QUESTIONS?

18 CHAIRMAN FRAZEE: WITH THE OPTION OF
19 MOVING A BOUNDARY IN ORDER TO ACCOMMODATE AN
20 INCREASED LEVEL OF GAS MIGRATION IS JUST THAT.
21 IT'S AN OPTION THAT THE BOARD CAN GRANT OR NOT
22 GRANT. THEY CAN REQUIRE SOME OTHER KIND OF
23 REMEDICATION; IS THAT CORRECT?

24 MR. MARCINIAK: WELL, THE LEA, YOU KNOW,
25 USUALLY IS THE PRIMARY ENFORCEMENT AGENCY, AND

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1 THEY ARE THE ONES WHO ORDINARILY WILL DETERMINE
2 WHETHER OR NOT THIS IS APPROPRIATE. IF THEY DON'T
3 THINK IT'S APPROPRIATE FOR HEALTH AND SAFETY
4 CONCERNS, THEN MORE THAN LIKELY THEY WON'T ALLOW
5 IT TO OCCUR USUALLY. I SAY USUALLY, THEN, YOU
6 KNOW, ONCE WE REVIEW IT ALSO, THEN IF THEY'RE
7 MAKING A MISTAKE, THEN WE COULD PROBABLY CATCH IT
8 AT THE CONCURRENCE OF THE PERMIT.

9 CHAIRMAN FRAZEE: AND THEN THE
10 RELATIONSHIP TO AIR QUALITY REQUIREMENTS AND OUR
11 AUTHORITY TO ALLOW THAT OPTION.

12 MR. MARCINIAK: YOU MEAN IN REGARDS TO
13 NEW SOURCE PERFORMANCE STANDARDS?

14 CHAIRMAN FRAZEE: WELL, NO. JUST GENERAL
15 AIR QUALITY OR AIR RESOURCES BOARD JURISDICTION.

16 MR. MARCINIAK: OKAY. THERE ARE OTHER
17 AGENCIES WHICH MAY HAVE A PROBLEM WITH THIS.

AND

18 THAT MAY BE LOCAL AIR DISTRICT OR EVEN THE WATER
19 BOARD, FOR THAT MATTER. AND IF THEY HAVE A
20 PROBLEM WITH IT, THEN ALSO THE LEA WILL PROBABLY
21 GO AHEAD AND FOLLOW THROUGH WITH THAT SITUATION.

22 CHAIRMAN FRAZEE: SO WE WOULD HAVE AN
23 OPTION OR THE LEA WOULD HAVE AN OPTION OF
SAYING,

24 YES, BOUNDARY MOVEMENT IS ACCEPTABLE, BUT THE

AIR

25 BOARD MIGHT OVERRULE THAT.

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1 MR. MARCINIAK: RIGHT. RIGHT. WELL,
2 THEY STILL MAY REQUIRE -- THE LEA MAY SAY, OKAY,
3 WE'LL MOVE THE BOUNDARY, AND THE AIR BOARD WOULD
4 STILL COME IN AT A LATER DATE AND SAY, WELL, YOU
5 HAVE TO PUT A GAS CONTROL SYSTEM IN ANYHOW FROM
6 THEIR PERSPECTIVE. SO THE PROPERTY ACQUISITION
7 PROBABLY WOULDN'T REALLY RESULT IN ANY GAIN
8 BECAUSE THEY'LL HAVE TO DO THE CONTROL SYSTEM
9 ANYHOW.

10 CHAIRMAN FRAZEE: QUESTIONS? IF NOT,
11 THANK YOU VERY MUCH. THAT, I BELIEVE, CONCLUDES
12 OUR AGENDA. IS THERE ANY GENERAL DISCUSSION?

13 MS. TOBIAS: WE WOULD HAVE A CLOSED
14 SESSION TODAY.

15 CHAIRMAN FRAZEE: CLOSED SESSION TODAY AT
16 WHAT TIME?

17 MS. TOBIAS: WHENEVER YOU WANT TO
18 RECONVENE AFTER LUNCH. MR. CHESBRO WOULD BE BACK
19 AT LUNCHTIME. I HAVEN'T CHECKED WITH MR.
20 PENNINGTON, AND MS. GOTCH IS NOT HERE TODAY.

21 CHAIRMAN FRAZEE: SHALL WE JUST SAY 2
22 O'CLOCK FOR CLOSED SESSION. SO WE'LL STAND
23 RECESSED UNTIL 2 O'CLOCK FOR EXECUTIVE SESSION.

24 (THE MEETING WAS THEN RECESSED AT
25 12:10 P.M. TO BE RECONVENED AT 2 P.M. FOR CLOSED

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1 SESSION AT THE CONCLUSION OF WHICH THE MEETING WAS

2 THEN ADJOURNED.)

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